

AGENDA

TUSAYAN PLANNING AND ZONING COMMISSION

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

Tuesday, June 23, 2015 @ 6:00pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Planning and Zoning Commission and to the general public that the commission will hold a meeting open to the public on Tuesday, June 23, 2015 at the Tusayan Town Hall Building. The commission may change, in its discussion, the order in which any agenda items are discussed during the course of the meeting.

Persons with a disability may request a reasonable accommodation by contacting the Town Manager (928) 638-9909 as soon as possible.

As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you silence it at this time to minimize disruption of today's meeting.

PLANNING AND ZONING COMMISSION AGENDA

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

**CHAIR JOHN SCHOPPMANN
VICE CHAIR ROBERT GOSSARD**

**COMMISSIONER CLAYANN COOK
COMMISSIONER BETH HEARNE
COMMISSIONER JANET ROSENER**

TOWN COUNCIL LIAISON, COUNCILMEMBER CRAIG SANDERSON

3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Members of the public may address the Commission on items not on the printed agenda. The Commission may not discuss, consider or act upon any matter raised during public comment. Comments will be limited to three minutes per person.

4. CONSENT AGENDA

**Approval of the Minutes of the Planning & Zoning Commission Meeting held on
5/26/15**

5. ACTION ITEM

**Consideration, discussion, and possible approval of the Tusayan Subdivision
Regulations**

6. MOTION TO ADJOURN

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store in Tusayan, Arizona on this _____ day of June, 2015 at _____ pm in accordance with the statement filed by the Tusayan Town Council.

Signature of person posting the agenda

ITEM NO. 4

TUSAYAN PLANNING AND ZONING COMMISSION

PURSUANT TO A.R.S. 38-431.02 & 38-431.03

TUESDAY, MAY 26, 2015 @ 6:00 pm

TUSAYAN TOWN HALL

845 Mustang Drive, Tusayan, Arizona

PLANNING AND ZONING COMMISSION MEETING SUMMARIZED MINUTES

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Schoppmann called the meeting to order at 6:00 pm and the Pledge of Allegiance was recited.

2. ROLL CALL

Upon roll call, the following were present:

**CHAIR JOHN SCHOPPMANN
VICE CHAIR ROBERT GOSSARD
COMMISSIONER CLAYANN COOK
COMMISSIONER BETH HEARNE
COMMISSIONER JANET ROSENER**

TOWN COUNCIL LIAISON: COUNCILMEMBER CRAIG SANDERSON – excused

Also present were:

Will Wright, Town Manager
Melissa Drake, Town Clerk

3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

None

4. CONSENT AGENDA

Approval of the Minutes of the Planning and Zoning Meeting held on 4/28/15

Commissioner Hearne made a motion to approve the Consent Agenda. Commissioner Rosener seconded the motion and it passed unanimously.

5. ACTION ITEM

Consideration, discussion, and possible approval of Design Review Case No. 2015-01, a request for approval of a message sign for the National Geographic Visitor Center

Commissioner Rosener recused herself from this item since she is employed by the National Geographic Visitor Center.

Vice Chair Gossard stated that he recommended that the sign have no moving images and the images should not change any faster than every 10 minutes.

Ms. Rosener, speaking as the applicant, showed a video simulating how the sign would appear and noted that the plan was to have the images change every 9 seconds. She also stated that driving into town from the south at the speed limit, the driver would see 2 images. The Commissioners discussed the sign with Ms. Rosener.

The Commissioners and Manager Wright discussed possible conditions of approval and code enforcement.

Commissioner Cook made a motion to approve Design Review Case No. 2015-01 with the requirements there be no bright colors, that the images be static, with no animation or blinking, that images should not change more frequently than every 8 seconds, and that any future changes to content will have to be approved by the Commission.

Marty Harris asked if all businesses must bring changes like this before the Commission and the Commission answered "Yes."

Vice Chair Hearne seconded the motion and it passed on a vote of 3 to 1 with Vice Chair Gossard voting "No" and Commissioner Rosener abstaining since she recused herself.

6. MOTION TO ADJOURN

Commissioner Hearne made a motion to adjourn at 6:30 pm. Commissioner Cook seconded the motion and it passed unanimously.

ATTEST:

John Schoppmann, Chair

Date

Melissa M. Drake, Town Clerk

CERTIFICATION

State of Arizona)
) ss.
Coconino County)

I, Melissa Drake, do hereby certify that I am the Town Clerk of the Town of Tusayan, County of Coconino, State of Arizona, and that the above minutes are a true and correct summary of the meeting of the Planning and Zoning Commission of the Town of Tusayan held on May 26, 2015. I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 26th day of May, 2015

Melissa M. Drake, Town Clerk

ITEM NO. 5

TITLE 13
SUBDIVISION STANDARDS - Draft

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CHAPTER 13-1. ADMINISTRATION

- A. **Title:** These regulations shall be known as the Town of Tusayan Subdivision Standards, may be cited as such, and will be referred to herein as "these Standards."
- B. **Purpose and scope:** The purpose of these Subdivision Standards is to ensure the orderly growth and harmonious development of the Town of Tusayan; to provide convenient traffic circulation on a coordinated street system with major thoroughfares adjoining subdivisions; to ensure the adequate provision of water, drainage facilities, sanitary sewerage, and other utilities; to provide adequate sites for schools, recreation areas, and other public facilities; and to facilitate the accurate conveyance of ownership of land by accurate legal description; and to provide procedures for the achievement of these purposes.

These regulations accommodate growth by considering the need for services generated by development together with public ability to provide and/or private willingness to contribute to the costs of these services. It applies to all properties proposed for subdivision, land split, or lot line adjustment within the Town limits. No building or other development permit required by the Town may be issued for property which has been divided or adjusted in violation of these Subdivision Standards.

A "Subdivision" is defined as improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded Plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but Plats of such projects need not show the buildings or manner in which the buildings or airspace above the property shown on the Plat are to be divided. "Subdivision" does not include the following:

1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
3. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

- C. **Application and Interpretation:** Circumvention of these Subdivision Standards is prohibited.

No person may sell, offer to sell, or divide any portion of any lot or parcel of land, or change the location of a property line of an existing lot or parcel within the Town limits without obtaining the approval of the Town as required by these Subdivision Standards. No land may be divided, and no property line location may be changed, in a way that would result in the creation of a property that would not conform to the requirements of the Town of Tusayan Zoning Code or these Subdivision Standards.

The interpretation and application of the provisions of these Subdivision Standards shall be made by the Town Manager, (Manager). Where any provision of these Subdivision Standards imposes restrictions different from those imposed by any other provision, or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards controls. Nothing contained in these regulations shall be construed as releasing a Developer, as defined in Chapter 13-6 Terminology of these Subdivision Standards, from the requirements of the Arizona Revised Statutes.

- D. **Administration:** The Town Manager is hereby authorized to receive, process, and otherwise act upon a Concept Plan, Preliminary and Final Subdivision Plats in accordance with these regulations. The Town Planning and Zoning Commission and Town staff are hereby designated as advisory agents to the Town Manager and to the Town Council and are charged with the duty of investigating and reporting upon matters referred to them in accordance with these regulations.
- E. **Fees:** Fees for Town services provided in the administration of these Subdivision Standards shall be set by Resolution of the Town Council.

CHAPTER 13-2. APPLICATION PROCEDURES

13-2-1. General Provisions

- A. **In general:** Every land division and lot line adjustment shall conform to the goals and objectives of the Town of Tusayan Zoning Code and other ordinances adopted by the Town Council and laws of the State of Arizona that specifically relate to subdivisions and the development of land.
- B. **Reservation of public land:** Where a tract to be subdivided contains all or any part of a park, school, flood control facility or other area shown on the general plan as a public area, or required by Town Council as a public area, the Town may require such site shall be dedicated to the public or reserved for acquisition by the public within a specified time period.

The Town may reserve land within a proposed subdivision for public schools and parks, recreational facilities, open space, water and wastewater facilities and public safety annexes, subject to the following conditions:

1. The required reservations are in accordance with principles and standards adopted by the Town Council.
2. The land reserved shall be in the size and shape as to permit the remainder of the land area in which the reservation is located to develop in an orderly and efficient manner.
3. The public agency for whose benefit an area has been reserved shall have a period of one year or such extended period as may be mutually agreed upon after the recording of the Final Plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value thereof at the time of the filing of the Preliminary Plat plus the taxes against such reserved area from the date of the reservation, and any other costs incurred by the Developer in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area by such public agency and the Developer.
4. If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement set forth in paragraph three above, within the agreed upon period of time, the reservation of such area shall terminate unless a mutually agreeable time extension is consummated.

- C. **Owner/agent authorization:** Applications may only be submitted by property owners or their authorized representatives. The Town Manager may

require proof of ownership or authorized representation prior to accepting an application.

- D. **Mandatory Applicant Attendance:** Applicants, or their representative with authority to speak for and bind the Applicant, shall be present at all meetings and public hearings required under this Section. If the Applicant or the Applicant's representative failed to attend a meeting and public hearing required under these Subdivision Standards, the Town may conduct such meeting and public hearing without the attendance of the Applicant or the Applicant's representative.
- E. **Representations of Applicant Binding:** All representations by the Applicant, or by the Applicant's authorized Representative, made in writing, or during any Town public meeting or public hearing or by any submitted plan, Plat, drawing, or other graphic depiction in support of the application, and designated in the record by the Planning and Zoning Commission and/or Town Council shall be deemed to be part of the project record.
- F. **Zoning Standards:** Proposed Subdivisions must be designed to meet the specific requirements of the Zoning District in which they are located. In the event that a change in zoning or variance is required to enable the development to be built as proposed, any necessary zoning amendment and/or variance must be initiated by the property owner (or authorized representative) in accordance with the applicable procedures for processing applications for changes in zoning and/or variances set forth in the Town of Tusayan Zoning Code. No subdivision Final Plat for which a zone change is required may be approved by the Town until the required zone change and/or variance has been approved by the Town Council. Submission and review for the zone change and the subdivision Final Plat may occur concurrently.
- G. **Outline of the review process:** The preparation, review and approval of Subdivisions within the Town limits shall proceed through the following progressive stages:
 - 1. Pre-application conference with Town Manger (informal, non-mandatory, 13-2-2)
 - 2. Concept Plan with the Development Review Committee (Sec13-2-3)
 - 3. Development Master Plan (Sec 13-2-4, If required by Town Manager)
 - 4. Preliminary Plat submittal considered by Planning and Zoning Commission and Town Council (Sec 13-2-5)
 - 5. Subdivision technical review – considered and reviewed by Town staff in coordination with outside public service and utility agencies when

pertinent (Sec 13-2-6)

6. Final Plat submittal – considered by Town Council (Sec 13-2-7)

13-2-2. Pre-application Conference

The pre-application conference stage of the development planning process is an informal investigatory period which precedes actual preparation of plats or improvement plans by the Developer that is not mandatory. During this time, the Developer makes their intentions known to the Town, is advised of specific public objectives related to the subject tract, and is provided detailed information regarding platting procedures and requirements by the Town Manager.

13-2-3. Concept Plan

A. Application Procedures and Requirements

The Concept Plan stage of land subdivision involves general subdivision planning, submittal, review, and approval of the Concept Plan. The Concept Plan must be accompanied by payment of the prescribed fees. The Developer must provide all essential information outlined below to enable the Town to determine the character and general acceptability of the proposed subdivision

B. Concept Plan Submission

1. A non-refundable Concept Plan filing fee (See Tusayan Resolution, Fee Schedule);
2. A brief project narrative with a description of the proposed project.
3. The required number of copies as specified in the Town of Tusayan Subdivision Application packet.
4. Concept Plan shall show:
 - a. Land use(s), street alignments, lot(s) arrangement and tentative lot sizes
 - b. Concept locations of water, wastewater, solid waste, drainage and other applicable service providers.
5. Preliminary Utility Statement-A sealed statement from a registered engineer that will address the proposed utility connections including sewer, water and dry utilities. It will also specifically list the approvals that will be required to be obtained with the construction documents (ie ADEQ, Sanitary District or other service provider approvals and a determination if

a Utility Impact Analysis is required per the Tusayan Design Standards.

6. Preliminary Traffic Statement : A sealed statement from a registered engineer that will address the impact of new subdivision on existing roadways, the condition and capacity of existing streets, typical cross-sections, and determine if a Traffic Impact Analysis is required per the Tusayan Design Standards.
7. Preliminary Drainage Report: A sealed preliminary report from a registered engineer that addresses detention, floodplains, the proposed drainage system, the impacts of increased runoff due to development, the impacts to downstream property, and determine if a Drainage Impact Analysis is required per the Tusayan Design Standards.

C. Concept Plan Review and Approval Process:

1. The Development Review Committee will meet to discuss the proposal with the Developer and provide input and suggestions regarding procedural steps, public policy objectives, design and improvement standards, and general platting requirements. Then, depending upon the scope of the proposed subdivision, the Committee will:
 - a. Check existing zoning standards applicable to the tract/property and advise if changes in zoning and/or variances are necessary.
 - b. Determine per the Design Standards if Impact Analysis may be required to be submitted by the Developer to determine the adequacy of existing or proposed public places and facilities for servicing the proposed development.
 - c. Inspect the site or otherwise determine its relationship to major streets, utility systems, and adjacent land uses, and identify any unusual problems such as those related to topography, utilities, drainage, etc.
 - d. Identify the third party approvals that will be required prior to the approval of the Preliminary Plat, including but not limited to ADOT, the Forest Service, Sanitary District, Water Provider, and Fire District.
 - e. Determine whether a Development Master Plan (13-2-4) will be required prior to the preparation of a Preliminary Plat.
2. Review Timelines are specified in the Tusayan Subdivision Application Packet.
3. After the review of the Concept Plan by the Development Review Committee, the Town Manager will direct the Developer to the appropriate next step in the process.

- a. **Preliminary Plat:** If the Concept Plan involves a subdivision only, the Town Manager will advise the Developer to proceed with the preparation of a Preliminary Plat to be considered by the Planning and Zoning Commission and the Town Council.
- b. **Development Master Plan:** A Development Master Plan (DMP) may be required by the Town Manager prior to the preparation of a Preliminary Plat if there is not a zoning change required and one or more of the following conditions apply:
 - i. The tract/property is sufficiently large to comprise an entire neighborhood,
 - ii. The tract/property is to be developed in multiple phases,
 - iii. The tract/property is a portion of a larger contiguous landholding of the Developer, or
 - iv. The tract/property is part of a larger land area that is complicated by unusual topographic, utility, land use, land ownership, or other conditions.

13-2-4. Development Master Plan

A. Application Procedures and Requirements

1. If directed to prepare a Development Master Plan by the Town Manager, the Plan must be submitted within six (6) months of approval of Concept Plan.
2. The Town Manager may require the Developer to prepare a Development Master Plan (DMP) if one of the conditions above is applicable to the site and a zoning change is not required for the project. If a zoning change is required, the requirements of the Town of Tusayan Zoning Code shall apply. The entire land area covered by the DMP need not be under the Developer's control.

B. Development Master Plan Submission

1. A non-refundable Development Master Plan filing fee (See Tusayan Resolution, Fee Schedule);
2. A brief project narrative with a description of the proposed project.
3. The required number of copies of the Development Master Plan as specified in the Subdivision Application packet showing:
 - a. General street pattern with particular attention to collector streets and future circulation throughout the development.

- b. General location and size of existing and proposed school sites, parks, and other public areas.
- c. Location of shopping centers, multi-family residential or other non-residential land uses.
- d. Methods proposed for sewage disposal, water supply and storm drainage.
- e. Approximate densities and intensities of various land uses.

C. Development Master Plan review and approval

1. Review Timelines are specified in the Tusayan Subdivision Application Packet. Upon acceptance of an application for approval of a Development Master Plan, the Town Manager will advise the applicant if the submittal is complete
2. Copies of complete applications will be forwarded to the Town departments and other third party agencies and service providers that serve the area for their review and comment:
3. The reviewing agencies and departments may submit their comments and recommendations in regard to the application to the Town Manager. The Town Manager will then summarize the received comments and recommendations, prepare a staff report and present it to the Planning and Zoning Commission.
4. The Planning and Zoning Commission shall consider the proposed Development Master Plan at its next regularly scheduled meeting no sooner than twenty-one (21) working days after an application has been determined to be complete. Upon a recommendation of approval, approval with conditions, or denial by the Commission on the Development Master Plan, the Town Council shall consider the proposed Development Master Plan within sixty (60) working days of the Commission's recommendation.
5. Development Master Plan approval by the Town Council constitutes authorization for the Developer to proceed with the preparation and submittal of the Preliminary Plat.
6. Upon approval of the general design approach by the Planning and Zoning Commission and Town Council, the DMP shall be followed by the preparation of a Preliminary Plat. If development is to take place in several phases, the DMP must be submitted as a supporting document for each phase. The DMP must be kept up to date by the Developer as modifications take place.

13-2-5. Preliminary Plat

A. Application Procedures and Requirements

1. **In general:** The Preliminary Plat stage of land subdivision involves detailed subdivision planning, submittal, review, and approval of the Preliminary Plat. The Preliminary Plat must substantially conform to the Concept Plan and may only be submitted subsequent to the approval by Town Manager, and must be accompanied by payment of the prescribed fees. The Developer must provide all essential information outlined below to enable the Town to determine the character and general acceptability of the proposed subdivision.
2. Within six (6) months of approval of Concept Plan or the Development Master Plan (DMP), an applicant shall apply for a Preliminary Plat for a subdivision. If this requirement is not met, the Developer may be required to resubmit a Concept Plan for a pre-application conference.
3. **Diminution of fair market value waiver required:** An executed, notarized waiver by the owner of the subject property of any and all claims for diminution in fair market value as defined by A.R.S. § 12-1134, must be submitted with the Preliminary Plat application. The Town may request an updated waiver at subsequent stages in the Town review and approval process, including following final Town Council approval.

B. Preliminary Plat Submission: In addition to a completed Preliminary Plat application form, a complete submittal shall include:

1. A non-refundable Preliminary Plat filing fee (See Tusayan Resolution, Fee Schedule);
2. A brief project narrative with a description of the proposed project.
3. The required number of copies of the Preliminary Plat as specified in the Subdivision Application packet showing:
 - a. **Identification and descriptive data**
 - i. Proposed subdivision name, location by township, range, and section, and reference by dimension and bearing to a section or quarter section corner.
 - ii. North arrow, scale and date of preparation.
 - iii. Name, address and phone number of the owner, and of the engineer, surveyor, landscape architect or land

- iv. planner who prepared the Plat.
 - v. Professional Seal
 - v. Vicinity map showing the relationship of the proposed subdivision to main traffic arteries and any other landmarks that would help to locate the project.
 - vi. Assessor's parcel numbers for all abutting properties.
- b. **Existing conditions data**
- i. Topography by one- (1), two- (2) or five- (5) foot contour intervals adequate to reflect the character and drainage of the land as determined by the Town Engineer, and related to U.S. Coastal and Geodetic Survey (USC&GS) datum, or other approved datum.
 - ii. Surveyed location of all existing improvements on public rights of way and private property including land use, structures and fences, walls, sheds, barns, utility lines, wells, streams, irrigation canals and structures, private and public culverts, ditches, washes, lakes, water features of all types, direction of flow, flow pattern, location and extent of areas subject to inundation, and whether such inundation is frequent, periodic, or occasional and data regarding frequency.
 - iii. Location, width, and names of all platted or otherwise defined streets, drainage and utility easements, public areas, and municipal boundaries within, adjacent to, or extending from the property.
 - iv. Location of historic and archaeological sites, if any.
 - v. Acreage and zoning of the property and abutting properties.
 - vi. Complete boundary dimensions of the property.
 - vii. Evidence of adequate access from an existing public right-of-way.
- c. **Proposed conditions data**
- i. Proposed lot configuration, including approximate size and dimensions of each lot, and identification of each lot by number, and total number of lots; building setback lines; street light locations; hydrant locations; street layout, including location, width, curve radii, and proposed names.
 - ii. Identification of average and minimum lot size(s).
 - iii. Designation of all land(s) to be dedicated and reserved for public use with use and acreage for each indicated.
 - iv. Location of all proposed private, public and controlled access streets and identification of all access devices on local streets within the subdivision; their means of accomplishing access control (e.g. signage, traffic barriers,

gates, etc.) and monitoring devices and facilities; and their hours of operation and standards and procedures for admittance.

3. **Statement of the status of Water Adequacy shall be included. {Town Input Requested}**
4. Approvals from the Sanitary District and the Water Provider that state that the subdivision can be served.
5. **A Sewer and/or Water Impact Analysis**, if required per the Design Standards, must be submitted and approved by the Town Engineer before the Preliminary Plat will be approved.
6. **A Traffic Impact Analysis**, if required per the Design Standards, must be submitted and approved by the Town Engineer before the Preliminary Plat will be approved.
7. **A Drainage Impact Analysis**, if required per the Design Standards, must be submitted and approved by the Town Engineer before the Preliminary Plat will be approved.
8. **CCRs:** If necessitated by the subdivision (as determined by the Town Manager), a preliminary draft or outline of protective Covenants, Conditions and Restrictions (CCR's) that demonstrate the proposed theme and character of the proposed subdivision. The possible necessity of CCR's will be discussed at the Pre-Application Conference.
9. **Development Agreement:** If necessitated by the subdivision (as determined by the Town Manager), a preliminary draft of the Development Agreement (DA). The possible requirement of a Development Agreement will be discussed at the Pre-Application Conference.
10. Such other information determined by the Town Manager to be necessary to complete a thorough analysis of the Preliminary Plat in terms of its compliance with all Town codes, ordinances, rules and regulations.

C. **Preliminary Plat review and approval**

1. Review Timelines are specified in the Tusayan Subdivision Application Packet. Upon acceptance of an application for a Preliminary Plat, the Town Manager will advise the applicant if the submittal is complete.
2. Copies of complete applications will be forwarded to the Town departments and utility and public safety agencies that serve the area

for their review and comment.

3. The reviewing agencies and departments may submit comments and recommendations in regards to the application to the Town Manager. The Town Manager will then summarize the received comments and recommendations, prepare a staff report and present it to the Planning and Zoning Commission.
4. The Planning and Zoning Commission shall consider the proposed Preliminary Plat at its next regularly scheduled meeting no sooner than twenty-one (21) working days after an application has been determined to be complete. Upon a recommendation of approval, approval with conditions or denial, by the Commission, the Town Council shall consider the proposed Preliminary Plat within sixty (60) working days of the Commission recommendation.
5. Preliminary Plat approval constitutes authorization for the Developer to proceed with the preparation and submittal of engineering plans and specifications for public infrastructure improvements and the Final Plat. Preliminary Plat approval does not assure Final Plat approval and expires without further action of the Town if a Final Plat is not submitted within one year or such other period of time specified at the time of Preliminary Plat approval. An extension of up to one (1) year may be granted by the Town Manager provided an application for extension is approved by the Town Manager prior to the expiration date.

13-2-6. Subdivision Technical Review

- A. The Developer shall provide the Town Manager with complete sets of engineering plans and specifications prepared by a civil engineer who is currently registered in the State of Arizona. Such plans and specifications must be designed based upon the approved Preliminary Plat and may be prepared prior to or in conjunction with the Final Plat.
- B. Approval of engineering plans and specifications for the installations of required street, streetlight, sewer, electric and water facilities, drainage, flood control, adequacy of water and improvements are required prior to recordation of an approved Final Plat.
- C. The Final Plat will not be considered by the Town Council until all engineering plans as noted above have been approved by the Town Engineer, the Fire District, and other applicable review agencies.
- D. If water and sewer mains are being constructed that will be owned by the Sanitary District or a private water provider, the appropriate company must approve the design and agree take ownership for operation and maintenance in

accordance with their policies and regulations. The water and sewer mainline extensions must be constructed to meet the requirements of the Arizona Department of Environmental Quality. Prior to the approval of the engineering plans, the Town shall require written approval of the Construction Plans by the Sanitary District, the private water provider and documentation of the ADEQ Approval.

- E. If water and sewer mainline extensions are being constructed that will be owned by the Town of Tusayan, they must be designed in accordance with the Town Design Standards. The Developer must furnish Arizona Department of Environmental Quality (ADEQ) and the Town Engineer such evidence as the ADEQ may require regarding the adequacy of the design and operation of the proposed potable water and sanitary sewerage facilities. Prior to approval of the engineering plans, the following ADEQ permits are required to have been obtained as applicable to the Subdivision: An Approval of Sanitary Facilities for Subdivision, an Approval to Construct Drinking Water Facilities, and a Construction Authorization for a Sewage Collection System/ Onsite Wastewater Treatment.
- F. Street light design, as required by the Tusayan Subdivision Standards, Tusayan Zoning Code and the Tusayan Design Standards shall be included in the engineering plans and specifications and must be approved by the Town Engineer.

13-2-7. Final Plat

A. Application procedure and requirements:

1. **In general:** The Final Plat stage involves the final design of the subdivision, submittal of engineering plans and specifications (if not already completed), final Covenants, Conditions and Restrictions (CC&Rs), satisfactory assurance documentation, and execution of a Development Agreement, if applicable.
2. No later than one (1) year after the approval of a Preliminary Plat, a Developer may apply for approval of a Final Plat. Failure to do so will automatically nullify the approval of the Preliminary Plat without any action by the Town unless the Town Manager has approved an extension prior to the expiration of one year.
3. **Zoning:** The zoning of a tract/property must permit the proposed subdivision. Zoning changes and/or variances required to enable the property to be divided as proposed must be approved through the applicable process in the

Tusayan Zoning Code by the Town Council prior to or in conjunction with the approval of a Final Plat.

B. **Final Plat Submission** - In addition to a completed Final Plat application form and fee payment, a complete submittal shall include:

1. A non-refundable Final Plat filing fee (Tusayan Resolution, Fee Schedule);
2. A brief project narrative with a description of the proposed project.
3. The required number of copies of the Plat as specified in the Tusayan Subdivision Application packet.
4. Proof of Adequate Water Supply in accordance with ARS 9-463.01 is required prior to the recordation of an approved Final Plat, {Town Input Requested}
5. A certificate or letter from each utility company, including the sanitary district and water provider, providing service to the area indicating approval of the method of the proposed utility installations and confirming the availability of services.
6. An Arizona Department of Transportation access permit, where required
7. If applicable and not already completed with the Preliminary Plat, the Development Agreement or Public Improvement Agreement between the Developer and the Town shall be recorded.
8. A completion date for the construction of the improvements shall be declared and notice given to the Town Manager, which date shall be approved by the Town Council. The completion date for the improvements shall not exceed two (2) years from the date of such approval. Failure to complete the improvements by the completion date may entitle the Town to draw on the assurances described hereafter, in Subsection (B)(12).
9. A Final Plat, in recordable form, on disk in digital format.
10. If applicable, a copy of the protective CC&Rs in the form for recording shall be submitted and recorded with the Final Plat. The CC&Rs shall include, at a minimum, a mechanism to allow the capability for home or property owners to establish or create a homeowners' association subsequent to the declarant conveying a majority of the subdivided properties to other parties. The CC&Rs shall

state that notwithstanding any other provision of the CC&Rs a lot owners' association may be created by lot owners' majority vote thereof, subsequent to the conveyance of a majority of the platted lots by the declarant.

11. Right of Way and Easements: It shall be the responsibility of the Developer to provide on the Final Plat, prior to plat recordation, such Right of Way and easements in such location and width as required for public utility purposes or public access. The following notation shall be placed on all Final Plats: "Construction within easements, except by public agencies and utility companies, shall be limited to utilities and wood, wire or removable section-type fencing and/or plantings or turf. It is understood that the utility companies will not be required to replace any obstructions or plantings that must be removed during the course of maintenance, construction, or reconstruction within any utility easement."
12. Final Plat Requirements;
 - a. Identification and descriptive data
 - i. North arrow, scale, and date.
 - ii. A title which includes the name of the subdivision and its location by section, township, range and county.
 - iii. Name, address, registration number, and valid seal of the registered land surveyor preparing the Plat.
 - b. Survey data
 - i. The Final Plat shall identify all boundary lines and corners, together with courses and distances and all curve or angle data. Subdivision corners, other monuments, lot corners, and other survey points must be described and located. One tie must be made by true course and distance to a GLO corner, or, if none exists, to a corner of common acceptance. Proposed subdivisions adjacent to existing subdivisions must tie to the corners of the existing subdivisions. Adjoining property must be identified by subdivision name. Un-subdivided, and Forest Service lands must be noted. All connecting streets, private and public and Forest Service roads must be shown and named.
 - ii. The Final Plat shall include name, courses, length and width of all public streets, radii, points of tangency, and central angles of all curvilinear streets; radii of all rounded street line intersections; location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to

- the public; and a statement noting that the streets dedicated on the Plat will not be accepted for Town maintenance until they are brought up to minimum Town standards.
- iii. A registered professional land surveyor must certify that all lots are staked, or will be staked within six months.

c. Existing conditions data

- i. Utility easements intended to remain on the property. The notation as described in Section 13-2-5(A)3 above shall be on the Final Plat.
- ii. Drainage easements intended to remain on the property, with the following notation: "Natural, unimpeded flow is preferred in all drainage ways, wherever practical. No structure of any kind may be constructed or placed, nor may any vegetation be planted nor be allowed to grow within, on or over any drainage easement which would obstruct or divert the flow of storm water. The Town may construct and/or maintain drainage facilities on or under the land in any drainage easement."

d. Descriptive data required

- i. Name, right-of-way lines, courses, lengths, width of all public streets, crosswalks, utility easements; radii, points of tangency and central angles of all curvilinear streets and rounded street line intersections.
- ii. Utility easements needed in conjunction with the new Plat to include the notation as cited in Section 13-2-5(A)3 above.
- iii. All drainage ways shall be shown on the Plat. The rights-of-way or easements for all major drainage ways, as designated by the Town Engineer, shall be dedicated to the Town.
- iv. Location and dimension of all lots, including identification of each lot by number and size of each lot, total number of lots and average and minimum lot sizes.
- v. All residential lots shall be numbered by consecutive numbers throughout the Plat. "Exception", "tracts", and parks shall be so designated, lettered or named and clearly dimensioned.
- vi. Locations, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public with the use clearly indicated.
- vii. Location of all adjoining subdivisions with date, map and page number of recordation noted, or if unrecorded or un-

subdivided, so marked.

viii. Show the limits of the one hundred- (100) year flood prone area on the Final Plat in a surveyable and readily retraceable manner with frequent ties to intersecting lot lines for all flows of fifty (50) cubic feet per second or more.

e. Dedication and acknowledgment - A statement dedicating all streets and easements for public use by the person holding legal title of record to the property. If the property contains any liens, all lienholders shall execute an appropriate release for all dedications. If the Plat shows private access ways, it must note that public utilities, including refuse collectors, shall reserve the right to install, conduct and maintain utilities in such access ways. The signatures following this dedication and acknowledgment shall be notarized.

C. Final Plat review and approval

1. Upon acceptance of an application for approval of a Final Plat, the Town Manager will have ten (10) working days to advise the applicant if the submittal is complete.
2. Copies of complete applications will be sent to the Town departments and utility and public safety agencies that serve the area. When an application has been determined to be complete, the Town Council shall consider the proposed Final Plat no sooner than twenty-one (21) working days after an application has been determined to be complete.
3. Recordation: Upon receipt of the required assurances, **and proof of adequate water supply (Town Input Requested)**, The Town Manager will have the Final Plat recorded and provide a recorded copy of the Plat to the applicant.
4. Failure to record within one (1) year after the approval of the Final Plat will automatically nullify the approval of the Final Plat without any action by the Town unless the Town Manager has approved an extension prior to the expiration of one year.

13-2-8. Assurances for Public Improvements

In order to ensure proper installation of public improvements, the Developer shall designate the type of assurance in a form and method acceptable to the Town Attorney and approved by Town Council in conjunction with review of the Final Plat. Approved forms of assurance are available from the Town Manager. A final copy of said

assurance shall be submitted to and approved by staff. The amount of said assurance shall be based on a cost estimate prepared by a registered civil engineer in an amount to cover one hundred ten percent (110%) of the complete installation of the public improvements.. This assurance shall provide for its forfeiture to the Town in the event the improvements are not accepted by the Town by the declared completion date due to the default of the Developer or the appropriate real part in interest. Any portion of the forfeiture in excess of the expenses incurred by the Town in connection with the installation or repair of the improvements shall be returned to the Developer or the appropriate real party in interest at the end of the warranty period. The Developer must provide the Town with one of the following types of financial assurances for the completion of the construction of the public improvements required for the development of the subdivision:

A. Cash, surety bond, or letter of credit

1. The Developer shall deposit with the Town Clerk cash or surety bond, or an irrevocable letter of credit issued by an approved institution.
2. The surety bond shall be executed by the Developer with a corporation duly licensed and authorized to transact surety business in the State of Arizona, as surety. The bond shall be in favor of the Town, shall be continuous in form, and shall require that the total aggregate liability of the surety for all claims shall be limited to the face amount of the bond, regardless of the number of years the bond is in force, and shall provide that:
 - a. The bond, cash, or letter of credit shall be released upon satisfactory completion of the work. Progress payments may be made in accordance with standards established by the Town Engineer.
 - b. The bond or letter of credit may be cancelled by the Developer, provided that other security, satisfactory to the Town Attorney has been deposited which will cover the obligations of the Developer which remain to be performed.
 - c. Any work abandoned or not completed by the Developer may be completed by the Town, which shall recover the construction and repair costs from the Developer, the bonding agent, or approved lending institution.

B. Assurance of construction through loan commitment

In lieu of providing assurance of construction in the manner provided above, the Developer may provide assurance of construction of all required utility and infrastructure improvements, by delivering to the Town in a manner described above, an appropriate agreement acceptable to the Town Attorney between an approved lending institution and the Developer, which provides:

1. A statement that funds sufficient to cover the entire cost of installing

the required improvements, including engineering and inspection costs, and the cost of replacement or repairs of any existing streets or improvements demanded by the Town in the course of development of the subdivision have been deposited with such approved lending institution by the Developer. The agreement shall provide that the funds in the approved amount are specifically allocated, and will be used by the Developer, or on his behalf, only for the purpose of installing the subdivision improvements.

2. That the Town shall be the beneficiary of such agreement, or the Developer's rights shall be assigned to the Town, and the Town Engineer shall approve each disbursement of such funds.
- C. Alternative assurances: In lieu of providing a surety bond or an agreement between the Developer and an approved lending institution, the Town Attorney may approve and recommend to Town Council such alternative assurances that it deems sufficient to guarantee and assure construction and repair of the required public improvements.
- D. An approved lending institution for purposes of these Subdivision Standards is an FDIC-insured bank or savings and loan association licensed and authorized to do business in Arizona.

13-2-9. Minor Land Divisions

- A. Purpose and Intent of these regulations is:
1. To provide for the partitioning of land into two or three lots, tracts or parcels of land or the combination of lots, tracts or parcels through a process that is more expeditious than the subdivision process;
 2. To assure that the proposed parcels are in conformance with the Town's Subdivision standards;
 3. To obtain accurate surveying and permanent public record of the separate interests created and conveyed by the division of lands;
 4. To assure adequate access and to provide a coordinated street system; and,
 5. If a new street is involved, land that is divided into two or more lots is considered a subdivision and a minor land division is not applicable.

B. Land Split or Combination Procedures and Requirements

The preparation, submittal, review, and approval of all land splits or combinations located within the Town limits shall proceed through the following progressive stages, except as otherwise provided in this chapter:

1. Optional pre-application conference with the Town Manager.

2. Submittal by the Developer, and review and approval of the land split or combination application and map by the Town Manager.
3. Recordation of the approved land split or combination map and associated legal description with the Coconino County Recorder's office.

C. Pre-Application Conference

1. The pre-application conference stage of land split or combination review is an optional investigatory period preceding the preparation and submittal of the land split or combination application by the Developer. The Developer shall initially present the land split or combination proposal to the Town Manager who shall advise the Developer of specific public objectives, standards, and regulations related to the property and the procedure for land split or combination review.
2. An application for land split or combination approval shall include a sketch plan of the proposed land split or combination so that the Town Manager can determine whether the approval process authorized by this Section can and should be utilized. The Town Manager may require the applicant to submit additional information deemed necessary for making this determination, including, but not limited to, a copy of the Coconino County Assessor's Map showing the land being divided and all lots or parcels previously divided from that tract of land and all contiguous land under the same ownership for the 15 years prior to the date of submittal.

D. Land Split and Combination Applications

1. All submittals shall be checked by the Town Manager for completeness. If the application is determined to be incomplete, the submittal may be rejected and returned to the applicant for revision and resubmittal.
2. Application Submittal: All land split or combination applications shall include the following materials:
 - a. The copies of the land split or combination map showing the proposed land split or combination, existing conditions including the location of all structures, and anticipated setbacks from existing and proposed property lines;
 - b. Any information required as part of the land split or combination submittal shall be shown graphically, or by note, or by letter, or in combination on the plans, and may if necessary comprise several sheets showing various elements of the required data. All mapped data for the same map shall be drawn at the same engineering scale, said scale not to be greater than 100 feet to an inch;
 - c. A completed land split or combination application form;
 - d. Legal description in a form approved by the Coconino County Recorder's office;

- e. A non-refundable land split or combination application fee (See Tusayan Resolution: Fee Schedule), available as a separate document from the Town); and,
- f. Complete contact information for the Developer.
- g. Professional Seal of Surveyor/Engineer registered in the state of Arizona.

E. Application Approval Standards:

- 1. All land split or combination applications shall be designed to comply with the requirements of the specific zoning district within which it is located, including minimum lot area, lot depth, lot width and minimum access requirements.
- 2. No lot or parcel shall be divided in such a way that any division contains more density than are permitted by the zoning regulations in the district in which the lot or parcel is situated.

F. Process for Approval.

- 1. The Developer shall submit all of the documents, information, data, and other requirements for approval of a land split or combination to the Town Manager. The Developer shall also furnish to the Town Manager any additional information and materials relevant to the application that are reasonably believed to be necessary in order for the Town Manager to evaluate, analyze, or understand the subject matter of the application, and to ensure compliance with the requirements of this division. Compliance shall be determined by the Town Manager.
- 2. The procedures for approval, modification, or denial of land split or combination applications shall be as follows:
 - a. The Town Manager shall approve or disapprove applications for land splits or combinations pursuant to the provisions of this Section and shall ensure compliance with any applicable conditions of approval.
 - b. A Developer may appeal a final action of the Town Manager to the Town Council in accordance with Article 13-5, Appeals, of these Subdivision Standards.

13-2-10. Lot Line Adjustments

- A. When a common lot line between two adjoining parcels requires adjustment, the submittal requirements and procedures for a land split provided in these Subdivision Standards, Land Splits or Combinations, shall be followed for review and approval by the Town manager.

- B. In addition to the submittal requirements for a land split or combinations established in these Subdivision Standards, Land Split and Combination Applications, the written consent of all owners of the real property associated with the proposed boundary adjustment.

CHAPTER 13-3. DESIGN PRINCIPLES

13-3-1. Street Location and Arrangement

- A. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Town's General Plan and shall ensure public safety and convenience, and respond to existing natural features of terrain, vegetation, and drainage.
- B. The primary access to a subdivision must be capable of transporting fire and other emergency vehicles. The primary access must have all weather capability, minimum 14 feet overhead clearance, and a 20 foot or wider surface capable of supporting vehicles weighing 42,000 pounds or more. Nothing in this paragraph shall be construed as modification of the necessity to conform to the Tusayan Design Standards and good engineering practice.
- C. Street layout shall provide for the continuation of existing principal streets through new subdivisions. Principal streets typically follow section or mid-section lines, however, if the alignment is impractical then right-of-way shall be provided at least every ½ mile (2640 feet).
- D. Certain proposed streets, shall be extended to the tract boundary to provide future connection with adjoining un-platted lands.
 - 1. Street connections to an adjoining platted tract shall be made only to those extended streets of the platted tract.
 - 2. Street connections shall be designed to accommodate the amount of increased traffic flow generated by the proposed subdivision, as determined by an engineered traffic study or as approved by the Town Engineer.
- E. Cul-de-sac streets shall be constructed with a minimum unobstructed turn-around radius of fifty (50) feet which shall be free from parked vehicles. The Town Engineer may recommend an equally convenient form of turning and backing areas where extreme conditions justify. The maximum length of cul-de-sac streets shall be one thousand two hundred (1,200) feet, as measured from the intersection of right-of-way lines to the extreme depth of the turning circle along the street centerline or a maximum of twenty-five (25) lots.
- F. Any subdivision exceeding fifty (50) lots shall require a minimum of two (2) access points, one of which may be an emergency access. An exception may be made where topography or geographical constraints may justify.
- G. Where a proposed subdivision abuts or contains an existing or proposed arterial and collector routes, sufficient right-of-way may be required for access,

frontage streets, and/or turning movements or for reverse frontage combined with a one- (1) foot non-access easement abutting the major route; or for such other treatment as may be justified for protection of residential properties from function of the major route.

- H. Where a subdivision abuts or contains the right-of-way of a limited access highway or an irrigation canal or abuts a commercial or industrial land use, the Town Engineer may require location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of the intervening land. Such distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.
- I. Streets shall be of reasonable gradient and shall facilitate adequate drainage.
- J. No alleys may be constructed in subdivisions, except that the Town Council may waive the requirements in certain areas because of topography, open area provided or service access.
- K. A minimum of two (2) permanent reference survey monuments shall be required for a street as a recoverable point for future surveys. These monuments shall have a geometric tie to the Town of Tusayan geometric coordinate system.

13-3-2. Streets

All streets in the Town, public or private, unless otherwise specified in these Subdivision Standards, shall be designed to the requirements in the Town of Tusayan Design Standards and as follows:

A. Minimum required right-of-way width

- 1. Arterial streets as indicated by Tusayan Design Standards shall be no less than one hundred (100) feet.
- 2. Collector streets as indicated by current Tusayan Design Standards shall be no less than eighty (80) feet.
- 3. Local streets as indicated by current Town standards shall be no less than sixty (60) feet.
 - a. Cul-de-sac streets shall terminate in a circular right-of-way fifty (50) feet in radius with a minimum improved traffic turning circle forty five (45) feet in radius. The Town Engineer may approve an equally convenient form of space where extreme conditions justify.
 - b. Dead end streets will not be approved except in locations designated by the Town Engineer as necessary to future extension

in development of adjacent lands. A dead end street serving more than four lots shall provide a temporary turning circle with a forty-(40) foot radius or other acceptable design to accomplish adequate access.

4. Access or frontage streets - As required by a Traffic Impact Analysis or as needed for principle arterials.
5. All streets shall be paved in accordance with the Town of Tusayan Design Standards.

B. Private Streets

1. Private streets shall be constructed to conform to current Town of Tusayan street standards, including but not limited to right-of-way widths, sidewalks, trails, street lights, signs, roadway geometric criteria, and pavement structural section.
2. If private streets are proposed for a subdivision, then the following additional requirements must be met:
 - a. A homeowners association shall be established at the time the Final Plat is approved.
 - b. An emergency rapid entry system for unrestricted entry of police and fire emergency vehicle at all gated location shall be provided.
 - c. Finally, a note shall be placed on the Final Plat that states, "All private streets that are identified as a "tract" or "common areas" shall be maintained by the homeowners association. The Town shall not maintain these roads.
3. Any deviation or variance from these requirements shall require Town Council approval.

C. Town Trails Map

The Town of Tusayan General Plan contains the Trails Map. Any trail defined on this map may be included in a subdivision and constructed by the Developer per Town of Tusayan Design Standards. An easement with a minimum width of 10' may be dedicated to the Town for maintenance of the trails. The location must meet with the written approval of the Town Engineer.

13-3-3. Blocks

- A. Blocks shall not exceed one thousand three hundred and twenty (1,320) feet in length between street centerlines. Variation from this requirement may be justified where topography or optimal lot configurations are achieved or when lot sizes average one-half acre or greater. Variations shall be

approved by the Town Engineer.

- B. Blocks shall have sufficient width for an optimal layout of two tiers of lots of the size required by the Town of Tusayan Zoning Code Development Standards (unless located on a collector road).
- C. Where practical, pedestrian ways with a minimum easement/right-of-way width of ten (10) feet may be required at mid-block and/or internal connection locations where essential for access to schools, playgrounds, common open space or other community facilities. Pedestrian ways may be used for utility purposes.

13-3-4. Lots

- A. Lot width, depth, and area shall comply with the minimum development standards of the applicable zoning district in the Town of Tusayan Zoning Code.
- B. Lots having double frontage should be avoided except where necessary to provide separation of the residential development from traffic collectors and arterials. A symbol establishing which side will be driveway accessible is required for each double-fronting lot. A non-vehicular access (NVA) easement shall be shown on the opposite side of the lot.

13-3-5. Easements

Generally, a Public Utility Easement (PUE) shall be sixteen (16) feet in width. In cases of steep [greater than a six percent (6%) slope] or unusual topography, the PUE may be increased or decreased in width as needed. The Town Engineer and the owner of the utility lines must approve the reduction of the easement width. Additional width may be required for depths over eight (8) feet or additional utility lines. Easements must be able to accommodate the separation of utilities in accordance with utility requirements and the AAC R18-5-502 Minimum Design Criteria for Water and Sewer Mains.

13-3-6. Water, Sewer and Reclaimed Water Facilities

- A. Water, Sewer and Reclaimed Water Facilities must be designed by the developer and approved by the utility provider of the improvements.
 - 1. If the utility extension is to be owned and maintained by a private water provider or the Sanitary District, their approval of the design must be submitted in writing to the Town of Tusayan before the Town shall approve the engineering plans. The design must meet the service providers standards and requirements,
 - 2. If the water main extension is to be owned and maintained by the Town of Tusayan, the Town Engineer must approve the design before construction of the improvements. The design must meet the Tusayan

Design Standards.

- B. Subdivision utility facilities will conform to the standards of the Building Codes, and Arizona Department of Environmental Quality (ADEQ).
- C. If the utility system is providing fire flow, the Developer must obtain approval of the design from the Fire District.
- D. The Town will not issue any certificates of occupancy until the subdivision utility improvements are completed to the requirements of ADEQ and are accepted for maintenance and operation by the service provider.

13-3-7. Drainage

- A. Any development that contains a floodplain must meet the Town and FEMA requirements and get the approval from the Town's delegated Floodplain Administrator and the delegated Floodplain Management Agency, as defined in Chapter 13-6 Terminology.
- B. Drainage and topography shall be a primary consideration of any subdivision.
- C. The preservation of natural flood areas, streams, washes, arroyos, rivers or ephemeral drainage courses shall be maintained, if possible, in their natural riverine environment. The only exceptions are for roadway crossings and utility lines, if no other alternative exists.
- D. Subdivision improvements that propose grading and/or grade changes shall not have an adverse impact on surrounding property. At the boundaries of the subdivision, all drainage and floodwaters shall be accepted and released so that the flow characteristics are minimally disturbed by providing appropriate entrance and exit transitions.
- E. All weather access to all lots shall be provided during the 100 year regulatory flood and depths of flows over primary and secondary access will not exceed one foot. The standard applies to both public and private streets.
- F. All drainage ways that convey fifty (50) cubic feet per second or more, during the one hundred- (100) year flood event, shall be considered a regulated drainage course and shall be dedicated to the public with provisions for maintenance access ramps. Flows less than fifty (50) cubic feet per second shall be regulated for impacts to buildings and structures, particularly, the placement of the finished first floor or basement, and shall be designated a common area or noted on the Final Plat as impacting a lot and the lot owner's responsibility for maintenance.
- G. A Drainage Report which addresses the hydrologic and hydraulic components relating to onsite and off-site drainage shall be developed and

prepared by a registered Arizona Professional Engineer. The Drainage Report shall be approved before the street improvement plans and Final Plat are approved. If the subdivision will be developed in phases, a master drainage plan will be required.

- H. Drainage basins or watersheds with known flood hazards shall be designated as a critical basin. A Drainage Impact Analysis is required for critical basins. Critical basin designation shall be in accordance with the Town of Tusayan Design Standards.
- I. An operation and maintenance manual shall be provided for storm water detention facilities. Operation and maintenance (O&M) shall be the responsibility of the homeowners association and the O&M manual shall be an attachment to the CC&Rs for the development. If a development does not have a homeowners association, the O&M manual will be required in the form of a recorded agreement. This agreement shall assign permanent responsibility for the operation and maintenance of the facility.

13-3-8. Street Lights

- A. Street lights shall conform to the Town of Tusayan Zoning Code and Town of Tusayan Design Standards.
- B. Where street light lines are to be installed, the Developer shall provide adequate easements for public utilities (to include side lot lines if necessary).

CHAPTER 13-4. IMPROVEMENT REQUIREMENTS

13-4-1. Public Improvement Requirements

- A. Purpose: It is the intent and purpose of this section to set forth the minimum acceptable standards for public improvements; to define the responsibility of the applicant in planning, constructing and financing public improvements; and to set forth the Town's responsibilities in the review and acceptance of public improvements.
- B. Development of plans and specifications
 - 1. The "Uniform Standard Specifications and Details for Public Works Construction" as published by the Maricopa Association of Governments (MAG Specifications) are recognized as acceptable construction specifications and standard details. Because of variations in climate, soils, and availability of materials, modifications to the MAG Specifications may be implemented by the Town. The MAG Specifications shall be utilized at the direction and approval of the Town Engineer.
 - 2. Other pertinent manuals for the development of plans and specifications include "A Policy on Geometric Design of Highways and Streets" as distributed by AASHTO; all design manuals, specifications, and standard details as distributed by the Arizona Department of Transportation; all engineering bulletins as distributed by the Arizona Department of Environmental Quality; "Manual on Uniform Traffic Control Devices for Streets and Highways" as distributed by the U.S. Department of Transportation, Federal Highway Administration; and the various design manuals, procedures, and guidelines as published by professional organizations and governmental agencies.
 - 3. The documents described in Subparagraphs B.1 and B.2 are adopted by reference pursuant to A.R.S. § 9-802 and at least three (3) copies of the documents described above, and any future amendments or revisions, shall be kept on file in the office of the Town Clerk. All copies shall be readily available for inspection, including any supplementary pamphlets or explanatory booklets for distribution to the public.
 - 4. All design and construction for public and private grading shall be in accordance with these standards and:
 - 1. The currently adopted International Building Codes.
 - 2. The Town of Tusayan Zoning Code.

3. The Engineered soils report (if applicable)

- C. Responsibilities: It shall be the responsibility and duty of the applicant to plan, construct, and finance all public improvements associated with subdivisions and land development, unless a Development Agreement specifically provides otherwise. These public improvements must be completed to the standards required by the Town and formally accepted for maintenance and operation before the Town will issue a certificate of occupancy for any building or structure within the subdivision or on the property. The applicant must have an engineer registered in the State of Arizona prepare a complete set of improvement plans for constructing required public improvements. Such plans shall be based on the approved Preliminary Plat, zoning case, Site Plan, and/or staff approval stipulations. The applicant must prepare these plans in conjunction and in conformance with the Final Plat. Improvement plans shall be subject to Town approval prior to recordation of the Final Plat.
- D. Public Improvements Defined: Public improvements mean any right-of-way, easement, access right or physical improvement which, upon formal acceptance by the Town, becomes the responsibility of the Town for ownership, maintenance and repair. Such public improvements may include, but are not limited to, roadways and alley sections including pavement, base course, street lights, curbs and gutters, sidewalks or trails, traffic control improvements, right-of-way landscaping and irrigation systems, drainage facilities, fire hydrants and utilities, including water, sewer, gas, electric power, telephone, and cable television, and all other improvements, which upon completion, are intended to be for the use and enjoyment of the public. This does not include utility lines owned and operated by the Sanitary District or the private water provider.
- E. Public improvement Agreement: If, pursuant to Section C, Responsibilities, above, the applicant's subdivision, zoning change or development, either new development on existing, vacant or undeveloped property or an addition or expansion to existing developed property, creates the need for the dedication, acquisition, installation, construction or reconstruction of public improvements, then, after such determination has been made, the applicant shall enter into a public improvement agreement prior to the Town's approval and/or issuance of the Preliminary Plat, site plan or Building Permit. The Developer shall provide assurances in accordance with 13-2-7 of these Subdivision Standards for public improvements. The public improvement agreement shall be in a form approved by the Town and shall provide for the dedication and/or construction of necessary public improvements by the applicant. If appropriate, the terms of the public improvement agreement may be incorporated into a Town-approved Development Agreement. The public improvements agreement may, if approved by the Town Engineer, provide that the installation, construction or reconstruction of public improvements shall be in specified phases. If construction in phases is approved, the provisions of this division shall apply to each phase as if it were a

separate and distinct public improvements agreement. Any such phase shall be an integrated, self-contained development consisting of all public improvements necessary to serve the property to be developed as part of said phase.

F. Exemptions: The following are exempt from offsite Public Improvements. All requirements of the Town of Tusayan Zoning Code and the DRO still apply.

1. An expansion or alteration of an existing nonresidential or residential use that results in a 25 percent or less increase in the intensity of the use in terms of additional dwelling units, gross floor area, seating capacity or parking spaces, either with a single or cumulative addition(s) or expansion(s).
2. An expansion or alteration of an existing nonresidential or residential use that results in a change of less than 50 percent of the actual value of the structure prior to the start of construction as determined from the records of the Coconino County Assessor or by a current appraisal by an appraiser licensed by the State of Arizona.
3. Construction of a single-family detached residence or a duplex residence of any value or an addition or alteration to an existing single-family residence or existing duplex residence, sized in accordance with the minimum requirements provided in the Tusayan Zoning Code.

G. Impact Analysis Required

1. Pursuant to the Tusayan Design Standards, the Town Engineer shall require the applicant to furnish impact studies to assess the impact of new development on the Town's existing streets, utilities and drainage infrastructure. The Town Engineer shall assess the impact of new development on the Town's infrastructure.
2. When an impact study identifies impacts to the Town's public infrastructure that are attributable to the proposed development, impact mitigation is required. The design and construction of improvements to mitigate the identified impacts shall be constructed by the applicant.
3. If impacts are determined to occur within the utilities owned by the Sanitary District or a private water provider, an agreement for mitigation must be reached between the Developer and the owner of the utility to facilitate service to the subdivision.

H. Minimum Requirements

The public improvements required pursuant to these Subdivision Standards shall have a rational nexus with, and shall be roughly proportionate to, the impact(s) created by the subdivision as determined by the studies described in Section G, Impact Analysis Required, above. The presumptive minimum requirements that are required for public improvements are:

1. Right-of-Way. If, as determined by the Town Engineer, the property to be developed does not have adequate rights-of-way due to the new development, or will not accommodate proposed or contemplated public improvements, then necessary right-of-way shall be granted to the Town. The Town Engineer may impose special requirements to assure future right-of-way needs as may be contemplated under the existing General Plan or other approved land use documents.
 - a. In the event that the granting of right-of-way or drainage way creates a nonconforming lot due to the decrease in land, the remaining portion shall be considered a legal nonconforming lot.
 - b. When it is necessary for a development to improve a street and, sufficient right-of-way is not available from other area property owners not subject to the provisions of these Subdivision Standards, the Town Manager, with the approval of the Council, may pursue all legally permissible steps in order to obtain the property necessary for the right-of-way provided there is a demonstrated public need for the additional right-of-way.
2. Water System to be owned and maintained by the Town.
 - a. Water system improvements shall be sized for the development in accordance with the Tusayan Design Standards.
 - b. Water mains shall be extended to the property being developed.
 - c. Water lines shall be extended by the Developer to and across the full front, side, and/or rear boundaries of the property being developed where needed, as determined by the Town Engineer.
 - d. Additionally, where needed as determined by the Town Engineer, water lines sized in accordance with established criteria and protocols employed by the Town Engineer and/or an approved utilities master plan adopted in support of the General Plan to accommodate future development shall be extended through the property being developed to the property boundaries to provide future connection with adjoining lands.

- e. Water Systems that are not owned by the Town of Tusayan shall be located as required by and approved by the service provider.
- 3. Sanitary Sewer System to be owned and maintained by the Town
 - a. Sanitary sewer system improvements shall be sized for the development in accordance with the Tusayan Design Standards
 - b. Sewer mains shall be extended to the property being developed.
 - c. Sewer lines shall be extended to and across the full front, side, and rear boundaries of the property being developed where needed, as determined by the Town Engineer.
 - d. Additionally, where needed as determined by the Town Engineer, sewer lines sized in accordance with established criteria and protocols employed by the Town Engineer and/or an approved utilities master plan adopted in support of the General Plan to accommodate future development shall be extended through the property being developed to the property boundaries to provide future connection with adjoining land.
 - e. Sanitary Sewer Systems that are not owned by the Town of Tusayan shall be located as required by and approved by the Sanitary District.
- 4. Drainage.
 - a. Drainage improvements are required for the development in accordance with the Town of Tusayan Design Standards and all applicable Town stormwater regulations.
 - b. When developments are required to perform a Drainage Impact Analysis (DIA) and the approved DIA identifies impacts to the public drainage system as a result of the proposed development, impact mitigation by the applicant is required. Design and construction of improvements that mitigate the impacts attributable to the development, as identified in the approved DIA, shall be the sole responsibility of the applicant.
 - c. Public drainage improvements are applicable to adjacent right-of-way and on-site based on the findings of required drainage reports, applicable stormwater master plans and General Plan improvements or other documents that clearly demonstrate the need for drainage facilities.

5. Franchise Utilities. All telephone, electric power, cable television, natural gas, or other wires or cables necessary to serve the subdivision in accordance with the owning franchise requirements and the Tusayan Design Standards are required.
6. Alley/Lane Improvements. When property access is necessary or proposed via an alley/lane, full width alley/lane improvements along the full property frontage in accordance with the Town of Tusayan Design Standards. Alley/lane improvements shall also be extended to the nearest public street if no improved alley or lane connection presently exists.
7. Trails System Improvements. Full width trail improvements may be required in accordance with the Tusayan Design Standards through or along the full frontage of the property being developed along alignments indicated in the General Plan.
8. Traffic Control Related Improvements. When subdivisions or land splits are required to perform a traffic impact analysis (TIA) in accordance with the Tusayan Design Standards, and the approved TIA identifies impacts to the public road system as a result of the proposed development, impact mitigation by the applicant is required. Design and construction of improvements that mitigate the impacts attributable to the development, as identified in the approved TIA, shall be the sole responsibility of the applicant.
9. Street Improvements. Street improvements shall be constructed to and across the full front, side and rear boundaries of the property being developed where needed, as determined by the Town Engineer, as follows:
 - a. Any multi-residential or non-residential construction shall be required to construct a minimum 24-foot wide street to accommodate two-way traffic and emergency vehicles as well as if required, on-street parking or bike lanes for the full frontage(s) of the subdivision property boundaries which abut existing or proposed public streets.
 - i. Street types adequate to serve the anticipated traffic volumes generated by the subdivision and the projected neighborhood growth patterns resulting in future developments as may be contemplated under the existing General Plan or other approved land use documents will be required.
 - ii. Street Design Standards for required roadway elements are in the Tusayan Design Standards. The Average Daily Traffic (ADT) determines the street section requirements.

- iii. If the property being developed is not adjacent to an existing improved public street, Subsection b, below, shall apply.
 - b. Where the property being developed is separated from an existing improved public street by an unimproved section of public street, the applicant will be required to construct such connection as necessary to facilitate traffic to/from the subdivision. If there are additional undeveloped properties adjacent who could benefit from the improvements in the future, a Recapture Agreement (See Section 13-4-3) could be created.
 - c. Full width pavement improvements shall be required for adjacent streets. Curb shall be installed on adjacent side only. A fee in lieu of improvements may be substituted as approved by the Town Council.
10. The Developer is required to mitigate impacts of the subject subdivision or land split. If at the time of development the Town wishes to make improvements to its general public infrastructure capacities, the Town may bear the additional cost(s) associated with the upgrading of capacities of those improvements. The limits of the Town's participation shall be determined by the difference in the approved design and actual construction costs with and without mitigated capacity increases of those improvements.

I. Inspection and Acceptance of Public Improvements

- 1. The Town Engineer shall provide for inspection of required public improvements during construction to ensure their satisfactory completion.
- 2. If the Town Engineer finds upon inspection that any of the required public improvements have not been constructed in accordance with the Tusayan Design Standards and the approved construction plans, the applicant shall be responsible for completing or replacing such improvements as to the specifications of the Town.
- 3. Final inspection of public improvements will be scheduled with the Town Engineer prior to their acceptance.
- 4. The Town will not accept the required public improvements nor release any assurance (See 13-2-7 Assurances) until the development is accepted by the Town Engineer. The Town Engineer shall issue a letter of completion upon final acceptance.
- 5. The Town will not issue any certificates of occupancy until the public improvements are completed to the standards in these Subdivision Standards and in the Tusayan Design Standards required by the Town

and accepted for maintenance and operation by the Town Council.

J. Appeals

Any person, firm or corporation may appeal the dedication or exaction required as a condition of granting approval for the use, improvement or development of real property, in accordance with the appeal provisions established in Article 13-5 Modifications, Appeals and Enforcement.

K. Warranty Period

The subdivider shall warrant and guarantee that required public improvements constructed under the Public Improvement agreement will remain in good condition and meet operating specifications for one (1) year, commencing with probationary acceptance of such public improvements or until such improvements have been granted final acceptance by the City Council. Such warranty includes defects in design, workmanship, materials and any damage to improvements caused by the Developer, its agents or others engaged in work to be performed under the subdivision agreement.

13-4-2. Development Agreement

A. Purpose: The purpose of this section of the Subdivision Standards is to provide procedures for the processing of Development Agreements in compliance with A.R.S. § 9-500.05. An application for a Development Agreement may only be filed by a person owning or having a legal interest in the subject real property, or a person authorized to act on the owner's behalf.

B. Contents of Development Agreements

1. Provisions Allowed: A Development Agreement may include any of the provisions specified in A.R.S. § 9-500.05, as applicable to the development proposal that is the subject of the Development Agreement as determined by the Town.
2. Provisions Required: A Development Agreement must include, but are not limited to, the following provisions:
 - a. The duration of the Development Agreement;
 - b. Provisions for the protection of environmental resources, if applicable;
 - c. The public benefit offered by the applicant as consideration for entering into the Development Agreement; and,
 - d. A waiver of claims for diminution in value for any changes in land use law relating to the subject property and the related proposed development.
3. Provisions Prohibited: A Development Agreement shall not include requirements for the City to exercise its legislative or quasi-judicial powers in a particular way.

C. Consideration and Decision

1. Staff Responsibilities
 - a. The Town Manager in consultation with the Town Attorney and Town Engineer shall direct the negotiations with the applicant regarding terms of the Development Agreement.
 - b. Once negotiations are completed, the Town Manager shall schedule the proposed Development Agreement for approval by the Council in compliance with this division.
2. Planning Commission Recommendation: When considering a development proposal at a public hearing for a Zoning Map amendment, Pre-annexations, Preliminary Plat, or other development proposal for which a Development Agreement is proposed, the Planning Commission may, but is not required to, make a recommendation on the contents of a draft Development Agreement for that development.
3. Council Determination
 - a. The Council shall consider approval of the Development Agreement at a public meeting. When also considering a development proposal for a Zoning Map amendment, Pre-annexations, subdivision Preliminary Plat, or other development proposal for the subject property, approval of the Development Agreement may be made conditional upon approval of the related application.
 - b. When approving the Development Agreement, the Council shall make the following findings:
 - i. The Development Agreement provides benefit to the Town;
 - ii. The Development Agreement is consistent with the purpose, intent, goals, policies, programs and land use designations of the General Plan, any applicable specific plans, The Town of Tusayan Zoning Code, and these Subdivision Standards; and,
 - iii. The Development Agreement complies with the requirements of A.R.S. § 9-500.05.
 - c. Approval of the Development Agreement shall be by resolution or ordinance and shall not be enacted by emergency clause. The effective date of the agreement may be more but not be less than 30 working days after the Council's approval of the Development Agreement.
4. Execution and Recordation
 - a. The persons authorized to sign the Development Agreement on behalf of the applicant(s), owner(s), and all persons having an interest in the subject property shall execute the Development Agreement prior to approval by the Council.

- b. If changes are made at the Council meeting where the Development Agreement is considered, the persons authorized to sign the Development Agreement on behalf of the applicant(s), owner(s), and all persons having an interest in the subject property shall execute the revised Development Agreement prior to the City signing the Development Agreement and an updated Proposition 207 waiver.
 - c. Within 10 working days after all parties, including the City, have executed the Development Agreement, the City Clerk shall record a copy, at the applicant's expense, of the Development Agreement with the County Recorder. Recordation of the Development Agreement constitutes notice of the Development Agreement to all persons.
- D. Amendment and Cancellation: A Development Agreement may be amended or cancelled, in whole or in part, by mutual consent of the parties to the Development Agreement or by their successors in interest or assigns using the same procedure for entering into the agreement in compliance with Subsection C, above.

13-4-3. Recapture Agreement

- A. Recapture Agreements are only applicable to Town owned infrastructure. Improvements to Sanitary District or water provider systems must be coordinated with the owner of the infrastructure.
- B. If a Developer extends a roadway, water or sewer main across undeveloped property to reach his development or property, and wishes to be reimbursed for the cost of installing said extension by future customers along the length of the lines, he may request a recapture agreement be drawn up by the Town. Developers may request a recapture agreement when an improvement is constructed across the frontage of parcels not currently receiving service from the Town. When the owner of the designated parcel requests service, a pro-rated cost of the line is collected by the Town and returned to the developer. Recapture agreements are set up through the Town Manager. For questions or details on the procedure to initiate an agreement, contact the Town Manager.
- C. The maximum period of time of the recapture agreement shall be ten (10) years.

CHAPTER 13-5. MODIFICATIONS, APPEALS AND ENFORCEMENT

13-5-1. Modifications

A. Modification of Standards

The Town Engineer may approve a waiver of the requirements in these Subdivision Standards as they apply to a particular property when there exist unusual conditions of topography, land ownership, adjacent development or other circumstances which would not be able to be addressed to best serve the interests of the citizens of the Town if the requirements of these Subdivision Standards were strictly applied.

B. Modification of Final Plat

No change, erasure, modification or revision shall be made on or of any Final Plat after approval by the Town Council unless the Town Council first approves any proposed alteration; and any alteration shall be void unless approval thereof is endorsed upon the Final Plat by the Town Council.

13-5-2. Appeals

A. **Appeals:** Any decision, or interpretation, of these Subdivision Standards may be appealed to the Town Manager; decisions of the Town Manager may be appealed to the Town Council. The agency to which a decision has been appealed may either: (a) uphold, (b) reverse, (c) modify, or (d) refer the decision back to its author for reconsideration. Zoning Amendments must follow the procedure in the Town of Tusayan Zoning Code.

B. **Time limits:** Appeals will only be considered if they are filed within ten (10) working days of a decision. Decisions are final after the ten- (10) day appeal period has passed, if no appeal has been filed.

C. **Stays of proceedings:** An appeal suspends the action taken and stays all proceedings in the matter, unless the Town certifies that a stay would cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed except by restraining order as injunctive relief granted by a court of record on application and notice to the Town. Proceedings shall not be stayed if the appeal requests relief which has been previously denied except pursuant to a special action in Superior Court.

13-5-3. Enforcement

A. **Fines/imprisonment:** Any person, as principal, owner, agent, tenant,

employee, or otherwise found violating these Subdivision Standards, or violating or failing to comply with any order or regulation made hereunder, shall be guilty of a civil violation punishable as provided in the Town Code. Such person shall be deemed guilty of a separate offense for each and every day during which any such violation or failure to comply with these regulations is committed, continued or permitted. All remedies provided for herein shall be cumulative and exclusive. A finding of guilty or responsibility and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions. In addition to the other remedies provided herein, any adjacent or neighboring property owner who is damaged by the violation of any provision of these Subdivision Standards may institute any action in law or equity to prevent or abate such violation.

- B. **Enforcement action:** Any division of property contrary to these Subdivision Standards is hereby declared to be a public nuisance and the Town Attorney may, upon order of the Town Council, or on his own initiative, immediately commence all necessary actions or proceedings for the abatement, enjoinder, and removal thereof in the manner provided by law; and may take such other lawful steps as may be necessary, and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin, and restrain any person from violating these Subdivision Standards.

13-5-4. Severability

It is the intention of the Town that the provisions of these Subdivision Standards are separable such that if any court of competent jurisdiction shall adjudge invalid: (1) any provision of these Subdivision Standards, such judgment shall not affect any other provision of these Subdivision Standards not specifically included in said judgment; or (2) the application of any provision of these Subdivision Standards to a particular property, or structure, such judgment shall not affect the application of said provision to any other property, or structure, not specifically included in said judgment.

CHAPTER 13-6. TERMINOLOGY

13-6-1. Usage

For purposes of these Subdivision Standards, certain terms, phrases, words, and their derivations shall be construed as specified herein. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The word "shall" is mandatory and the word "may" is permissive, except when used in the negative. When not inconsistent with the context, the present tense includes the future, the singular includes the plural, and the plural includes the singular. Where terms are not defined, they have their ordinarily accepted meanings within the context in which they are used. Webster's Dictionary of American English provides the ordinarily accepted word meanings referred to above.

13-6-2. Definitions

Abutting – The condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only at a corner(s).

Access point – Emergency or permanent all-weather access.

Alley – A public way, other than a street, which affords a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

All-weather road – Shall be designed and constructed to support a loaded scraper during a "proof roll." A scraper may be substituted with other equipment as approved by the Town Engineer.

ARS - The Arizona Revised Statutes as they may be amended from time to time.

Basin, drainage – A geographical area that contributes surface runoff to a particular concentration point.

Block – A piece or parcel of land or group of lots entirely surrounded by public or private streets, streams, washes, parks, or a combination thereof of sufficient magnitude as to interrupt the continuity of development.

Building setback line – The required minimum distance, as prescribed by the Town of Tusayan Zoning Code, between the property line and the closest point of any building or structure.

CC&Rs - Covenants, Conditions and Restrictions placed on the ownership of the property.

Commission - The Town's Planning and Zoning Commission.

Concept Master Plan – The planning level master plan submitted for first review of a large-scale development with multiple phases.

Concept Plan – A preliminary presentation of a proposed subdivision or site plan of sufficient accuracy to be used for discussion purposes and identification of any items of controversy or issues of concern.

Council – The Town Council of the Town of Tusayan.

Dedication - The intentional conveyance appropriation having the effect of conveyance of land by its owner for any general or public use, with no special rights reserved to said owner.

Design Standards, Town of Tusayan – The Design Standards are a section of the Town Code, adopted by the Town Council that provides specific design standards for Public Improvements.

Developer –A person, firm, partnership, joint venture, trust, syndicate, association, corporation, limited liability company or other legal entity who desires to improve or otherwise engage in any development of property within the Town, including the owner of the property.

Development – The utilization of land for public or private purposes.

Development Review Committee – An informal review panel as designated by the Town Manger to review submittals consisting primarily of town staff.

Easement – A grant by the owner of the use of land by the public, a corporation or person for the specific uses designated.

Exception – Any parcel of land that is not owned by the Developer or not include in the recorded Plat.

Fill – Soil, rock, or other material deposited at a location by man that raises the grade at that location.

Final Plat – A Final Plat of a subdivision, including supporting data, in substantial conformance to an approved Preliminary Plat and all stipulations or conditions placed upon it by the Commission or Town Council, prepared by an Arizona registered land surveyor, in accordance with these Subdivision Standards and the Arizona Revised Statutes.

Finished grade – The final grade and elevation of the ground surface after grading is completed and in conformance with the approved grading plans.

Fire District – The Tusayan Fire District provides fire protection for the Town and will be involved in the review process

Floodplain – Low lands adjoining the channel of a river, stream or watercourse, lake or other body of water, which have been or may be inundated with floodwater, and those other areas subject to flooding. A floodplain may be that area further defined as shown on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Plats (FIRM) or an approved flood control study.

Floodplain Administrator –designated by Town of Tusayan Ordinance for the National Flood Insurance Program and is responsible for coordinating with the Floodplain Management Agency and will serve as the community point of contact on National Flood Insurance program issues for County, State and Federal officials.

Floodplain Management Agency- In accordance with ARS 48-3610, the current agency to whom the Town has delegated by town of Tusayan Ordinance the responsibility of floodplain management.

Flood-prone area – Any area within a floodplain.

Highway – A roadway owned, operated and maintained by the Arizona Department of Transportation.

Improvements – Required installations, pursuant to these Subdivision Standards and any zoning stipulations, including, but not limited to, grading, sewer, water, utilities, streets, curbs, gutters, sidewalks, trails, street lights, traffic control devices and landscaping as a condition to the approval of the Final Plat, before recordation.

Improvement Plans – A set of plans setting forth the profiles, cross-sections, details, specifications, instructions and procedures to be followed in the construction of public or private improvements in the Town that are prepared and bear the seal of an Arizona-registered land surveyor, engineer, architect or landscape architect in accordance with the approved Preliminary Plat, and zoning stipulations and in compliance with standards of design and construction that are to be approved by the Town Engineer, other Town departments and all applicable utilities.

Improvement standards – A set of regulations and exhibits setting forth the details, specifications and instructions to be followed in the design and construction of required improvements.

Land division - Any change in an existing property line involving subdivision, a regulated land split or a lot line adjustment.

Land split - A division of a property of 2½ acres or less, which does not involve a

subdivision, into two or three separate lots.

Lot - A single piece of property having frontage on a publicly dedicated and accepted street or a private road approved and accepted by the Town and which has been established by a recorded subdivision Plat or otherwise established by some legal instrument of record which is described and noted as such.

Lot corner – The intersection of two (2) or more lot lines, or angle point or change in direction of a lot line.

Lot, corner – A lot located at the intersection of two (2) or more streets (corner lot).

Lot, interior – A lot other than a corner lot.

Lot line – A line dividing one (1) lot from another or from a street or any public place.

Lot, through - A lot that abuts a street along its front and rear property lines.

Lot line adjustment - The relocation of a line dividing two properties.

Notice to Proceed - A notice issued by the Town Manager informing the applicant for approval to proceed with the next stage in the subdivision process.

Open space – Any parcel or area of land or water, natural or improved and set aside, dedicated or reserved for the use and enjoyment of all the residents of the subdivision or the public in general. Open space does not include vacant or undeveloped lots, bike lanes or sidewalks attached to the back of the curb.

Owner – The person or persons holding title by deed to land, or holding title as a vendor under a land contract, or holding any other title of record.

Parcel - A property described by metes and bounds or aliquot description by the government rectangular survey system, and not included in any subdivision.

Plat – A plat meeting the provisions of this chapter that provides for changes in land use or ownership.

Preliminary Plat – A Plat including supporting data, indicating a proposed subdivision design, prepared by a registered civil engineer, or a registered land surveyor, in accordance with these Subdivision Standards and the Arizona Revised Statutes.

Preliminary Utility Statement – A letter or report submitted with the Preliminary Plat from a registered engineer that will address the proposed utility connections

including sewer, water and dry utilities. It will also specifically list the approvals that will be required to be obtained with the construction documents (ie ADEQ, Sanitary District or other private utility approvals).

Pre-application conference – An initial meeting between Developer and Development Review Committee that affords the Developer the opportunity to present his proposals informally with a Concept Plan and discuss the project and address any items of controversy or requirements before the Preliminary Plat is submitted.

Recorder – The recorder of Coconino County.

Recorded plat – A Final Plat bearing all certificates of approval required by these Subdivision Standards and the Arizona Revised Statutes and duly recorded in the Coconino County recorder's office.

Replat – Re-subdivision.

Re-subdivision - A change in the boundaries of a lot or tract of land which has previously been described in a recorded subdivision.

Review Agencies – Include but are not limited to the Fire District, Private Water Provider, Sanitary District, ADOT, franchise utilities, etc.

Right-of-way – Any public or private access way required for ingress or egress, including any area required for public use pursuant to any official plan; rights-of-way may consist of fee title dedications or easements.

Sidewalk – A pedestrian way constructed of Portland cement concrete. Width shall be determined based on the classification of the adjacent roadway in the Tusayan Design Standards.

Street - As defined in ARS §9-463(8), as amended.

Street, arterial - As shown on the Town's General Plan, or a heavily traveled street of considerable continuity and used primarily as a traffic artery for intercommunication between areas.

Street, collector - As shown on the Town's General Plan.

Street, cul-de-sac – A local street having one (1) end permanently terminated in a vehicular turnaround, or an equally convenient form of turning, with backing areas as may be recommended by the Town Engineer.

Street, frontage – A local street parallel to an arterial or collector street or road which

intercepts the residential traffic and controls access to the arterial and collector roads.

Street, local – Provides for direct access to residential or other abutting land and serve local traffic movement with connections to roadways of higher classification.

Street, private – Any road or street that is not publicly maintained providing access to lots or units over a common parcel, primarily by the owners or occupants of the common parcel, and necessary service and emergency vehicles, but from which the public may be excluded. Design of which must meet the Town design and construction standards.

Street, public - A street that has been dedicated to the Town for public use and either meets Town design and construction standards, or was dedicated to the Town prior to the adoption of such standards.

Subdivision - Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or manner in which the buildings or airspace above the property shown on the Plat are to be divided. "Subdivision" does not include the following:

1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
2. The partitioning of land in accordance with other common ownership.
3. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

Technical review – The detailed review of the Development Master Plans, site plans, Preliminary Plats, improvement plans and Final Plats by the Development Review Committee, for compliance with Town codes, ordinances, standards or conditions of approval by the Commission or Town Council. Other utilities and public agencies are invited to review the Plat as it relates to their conditions of service or need.

Town Engineer - The Town's Engineer or a designee.

Tract – A parcel of land in a subdivision which is dedicated for a specific use other than as a lot. Uses may include common areas, private roads, drainage facilities, recreation sites, parks, open space or other uses.

USC&GS – The United States Coastal and Geodetic Survey.

Utility easement – A public easement for the installation of public utilities; also known as a public utility easement, or “PUE.”

Watercourse – Any lake, river, stream, creek, wash, arroyo or other body of water or channel having banks and bed through which waters flow at least periodically.

Water supply, adequate - The Water Adequacy Program implements A.R.S. § 45-108, requiring a developer of subdivided land outside an AMA to obtain a determination from the Arizona Department of Water Resources regarding the availability of water supplies before the land may be marketed for sale or lease to the public, unless the land will be served by a water provider designated as having an adequate water supply. Under this regulatory program, developers are required to disclose a determination that the water supply is inadequate to potential buyers. **{{Town Input Requested}},**

Zone – A District classification established by the Town of Tusayan Zoning Code that limits or permits various or specific uses.

Zoning District – A zone area in which the same Zoning Ordinances apply throughout the District.

Chapter ~~TITLE~~ 13
SUBDIVISION STANDARDS - Draft

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CHAPTER 13-1. ADMINISTRATION

A. **Title:** These regulations shall be known as the Town of Tusayan Subdivision Standards, may be cited as such, and will be referred to herein as "these Standards."

B. **Purpose and scope:** The purpose of these Subdivision Standards is to ensure the orderly growth and harmonious development of the Town of Tusayan; to provide convenient traffic circulation on a coordinated street system with major thoroughfares adjoining subdivisions; to ensure the adequate provision of water, drainage facilities, sanitary sewerage, and other utilities; to provide adequate sites for schools, recreation areas, and other public facilities; and to facilitate the accurate conveyance of ownership of land by accurate legal description; and to provide procedures for the achievement of these purposes.

These regulations accommodate growth by considering the need for services generated by development together with public ability to provide and/or private willingness to contribute to the costs of these services. It applies to all properties proposed for subdivision, land split, or lot line adjustment within the Town limits. No building or other development permit required by the Town may be issued for property which has been divided or adjusted in violation of this ordinance ~~these Subdivision Standards~~.

A "Subdivision" is defined as improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded Plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but Plats of such projects need not show the buildings or manner in which the buildings or airspace above the property shown on the Plat are to be divided. "Subdivision" does not include the following:

1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
2. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
3. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

C. **Application and Interpretation:** Circumvention of this ~~ordinance~~ these Subdivision Standards is prohibited.

No person may sell, offer to sell, or divide any portion of any lot or parcel of land, or change the location of a property line of an existing lot or parcel within the Town limits without obtaining the approval of the Town as required by these Subdivision Standards. No land may be divided, and no property line location may be changed, in a way that would result in the creation of a property that would not conform to the requirements of the Town of Tusayan Zoning Ordinance Code or these Subdivision Standards.

The interpretation and application of the provisions of these Subdivision Standards shall be made by the Town Manager, (Manager). Where any provision of these Subdivision Standards imposes restrictions different from those imposed by any other provision, or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards controls. Nothing contained in these regulations shall be construed as releasing a Developer, as defined in Chapter 13-6 Terminology of these Subdivision Standards, from the requirements of the Arizona Revised Statutes.

- D. **Administration:** The Town Manager is hereby authorized to receive, process, and otherwise act upon a Concept Plan, Preliminary and Final Subdivision Plats in accordance with these regulations. The Town Planning and Zoning Commission and Town staff are hereby designated as advisory agents to the Town Manager and to the Town Council and are charged with the duty of investigating and reporting upon matters referred to them in accordance with these regulations.
- E. **Fees:** Fees for Town services provided in the administration of these Subdivision Standards shall be set by Ordinance Resolution X-X of the Town Council.

CHAPTER 13-2. APPLICATION PROCEDURES

13-2-1. General Provisions

- A. **In general:** Every land division and lot line adjustment shall conform to the goals and objectives of the Town of Tusayan General Plan, Zoning Code and, other ordinances adopted by the Town Council and laws of the State of Arizona that specifically relate to subdivisions and the development of land.
- B. **Reservation of public land:** Where a tract to be subdivided contains all or any part of a park, school, flood control facility or other area shown on the general plan as a public area, or required by Town Council as a public area, the Town may require such site shall be dedicated to the public or reserved for acquisition by the public within a specified time period. ~~The Developer and the appropriate public agency shall reach an agreement regarding such acquisition prior to consideration of Final Plat by the Town Council.~~

The Town may reserve land within a proposed subdivision for public schools and parks, recreational facilities, open space, water and wastewater facilities and public safety annexes, subject to the following conditions:

1. The required reservations are in accordance with principles and standards adopted by the Town Council, which standards include the policies for open space set forth in the General Plan.
2. The land reserved shall be in the size and shape as to permit the remainder of the land area in which the reservation is located to develop in an orderly and efficient manner.
3. The public agency for whose benefit an area has been reserved shall have a period of three-one years or such extended period as may be mutually agreed upon after the recording of the Final Plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value thereof at the time of the filing of the Preliminary Plat plus the taxes against such reserved area from the date of the reservation, and any other costs incurred by the Developer in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area by such public agency and the Developer.
4. If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement set forth in paragraph three above, within the agreed upon period of time, the reservation of such area shall terminate unless a mutually agreeable time extension is consummated.

- C. **Owner/agent authorization:** Applications may only be submitted by property owners or their authorized representatives. The Town Manager may require proof of ownership or authorized representation prior to accepting an application.
- D. **Mandatory Applicant Attendance:** Applicants, or their representative with authority to speak for and bind the Applicant, shall be present at all meetings and public hearings required under this Section. If the Applicant or the Applicant's representative failed to attend a meeting and public hearing required under these Subdivision Standards, the Town may conduct such meeting and public hearing without the attendance of the Applicant or the Applicant's representative.
- E. **Representations of Applicant Binding:** All representations by the Applicant, or by the Applicant's authorized Representative, made in writing, or during any Town public meeting or public hearing or by any submitted plan, Plat, drawing, or other graphic depiction in support of the application, and designated in the record by the Planning and Zoning Commission and/or Town Council shall be deemed to be part of the project record.
- F. **Zoning Standards:** Proposed Subdivisions must be designed to meet the specific requirements of the Zoning District in which they are located. In the event that a change in zoning or variance is required to enable the development to be built as proposed, any necessary zoning amendment and/or variance must be initiated by the property owner (or authorized agentrepresentative) in accordance with the applicable procedures for processing applications for changes in zoning and/or variances set forth in the Town of Tusayan Zoning CodeZoning Code. No subdivision Final Plat for which a zone change is required may be ~~considered~~ approved by the Town until the required zone change and/or variance has been ~~adopted~~ approved by the Town Council. Submission and review for the zone change and the subdivision Final Plat may occur concurrently.
- G. **Outline of the review process:** The preparation, review and approval of Subdivisions within the Town limits shall proceed through the following progressive stages:
1. Pre-application conference with Town Manger (informal, non-mandatory, 13-2-2)
 - ~~1.2.~~ Concept Plan with the Development Review Committee (Sec13-2-23)
 - ~~2.3.~~ Development Master Plan (Sec 13-2-34, If required by Town Manager)
 - ~~3.4.~~ Preliminary Plat submittal considered by Planning and Zoning

Commission and Town Council (Sec 13-2-45)

4.5. Subdivision technical review – considered and reviewed by Town staff and ~~pertinent~~ in coordination with outside public service and utility agencies when pertinent (Sec 13-2-56)

5.6. Final Plat submittal – considered by Town Council (Sec 13-2-67)

13-2.2. Pre-application Conference

The pre-application conference stage of the development planning process is an informal investigatory period which precedes actual preparation of plats or improvement plans by the Developer– that is not mandatory. During this time, the Developer makes their intentions known ~~informally~~ to the Town, are is advised of specific public objectives related to the subject tract, and ~~are is given~~ provided detailed information regarding platting procedures and requirements by the Town Manager.

13-2.3. Concept Plan:

A. Application Procedures and Requirements

The Concept Plan stage of land subdivision involves general subdivision planning, submittal, review, and approval of the Concept Plan. The Concept Plan must be accompanied by payment of the prescribed fees. The Developer must provide all essential information outlined below to enable the Town to determine the character and general acceptability of the proposed subdivision

B. Concept Plan Submission

1. A non-refundable Concept Plan filing fee (See Tusayan Resolution, Fee Schedule);

2. A brief project narrative with a description of the proposed project.

3. The required number of copies as specified in the Town of Tusayan Subdivision Application packet.

4. Concept Plan shall show:

a. Land use(s), street alignments, lot(s) arrangement and tentative lot sizes

b. Concept locations of water, wastewater, solid waste, drainage and other applicable service providers.

4. Preliminary Utility Statement-A sealed statement from a registered

engineer that will address the proposed utility connections including sewer, water and dry utilities. It will also specifically list the approvals that will be required to be obtained with the construction documents (ie ADEQ, Sanitary District or other service provider approvals and a determination if a Utility Impact Analysis is required per the Tusayan Design Standards.

5. Preliminary Traffic Statement : A sealed statement from a registered engineer that will address the impact of new subdivision on existing roadways, the condition and capacity of existing streets, typical cross-sections, and determine if a Traffic Impact Analysis is required per the Tusayan Design Standards.

4.6. Preliminary Drainage Report: A sealed preliminary report from a registered engineer that addresses detention, floodplains, the proposed drainage system, the impacts of increased runoff due to development, the impacts to downstream property, and determine if a Drainage Impact Analysis is required per the Tusayan Design Standards.

C. Concept Plan Review and Approval Process:

1. The Development Review Committee will meet to discuss the proposal with the Developer and provide input and suggestions regarding procedural steps, public policy objectives, design and improvement standards, and general platting requirements. Then, depending upon the scope of the proposed subdivision, the Committee will:

- a. Check existing zoning standards applicable to the tract/property and advise if changes in zoning and/or variances are necessary.
- b. Determine per the Design Standards if Impact Analysis may be required to be submitted by the Developer to determine the adequacy of existing or proposed public places and facilities for servicing the proposed development.
- c. Inspect the site or otherwise determine its relationship to major streets, utility systems, and adjacent land uses, and identify any unusual problems such as those related to topography, utilities, drainage, etc.
- d. Identify the third party approvals that will be required prior to the approval of the Preliminary Plat, including but not limited to ADOT, the Forest Service, Sanitary District, Water Provider, and Fire District.
- e. Determine whether a Development Master Plan (13-2-4) will be required prior to the preparation of a Preliminary Plat.

a. _____

2. Review Timelines are specified in the Tusayan Subdivision Application

Packet.

3. After the review of the Concept Plan by the Development Review Committee, the Town Manager will direct the Developer to the appropriate next step in the process.

i. ~~_____~~ **Preliminary Plat:** If the Concept Plan involves a subdivision only, the Town Manager will advise the Developer to proceed with the preparation of a Preliminary Plat to be considered by the Planning and Zoning Commission and the Town Council.

a. _____

ii. _____

a.b. **Development Master Plan:** A Development Master Plan (DMP) may be required by the Town Manager prior to the preparation of a Preliminary Plat if there is not a zoning change required and one or more of the following conditions apply:

- i. The tract/property is sufficiently large to comprise an entire neighborhood,
- ii. The tract/property is to be developed in multiple phases ~~or~~,
- iii. The tract/property is only a portion of a larger contiguous landholding of the Developer, or
- iv. The tract/property is part of a larger land area the development ~~of which that~~ is complicated by unusual topographic, utility, land use, land ownership, or other conditions.

13-2-34. Development Master Plan

A. Application Procedures and Requirements

1. If directed to prepare a Development Master Plan by the Town Manager, the Plan must be submitted within six (6) months of approval of Concept Plan.
2. The Town Manager may require the Developer to prepare a Development Master Plan (DMP) if one of the conditions above is applicable to the site and a zoning change is not required for the project. If a zoning change is required, the requirements of ~~refer to the Town of Tusayan Zoning Code~~ shall apply. The entire land area covered by the DMP need not be under the Developer's control.

B. Development Master Plan Submission

A. ~~Preparation: Development Master Plans must be prepared to a scale and accuracy commensurate with their purposes, and must include:~~

1. A non-refundable Development Master Plan filing fee (See Tusayan Resolution,

Fee Schedule):

2. A brief project narrative with a description of the proposed project.
3. The required number of copies of the Development Master Plan as specified in the Subdivision Application packet showing:

1. _____

- a. General street pattern with particular attention to collector streets and future circulation throughout the development.
- b. General location and size of existing and proposed school sites, parks, and other public areas.
- c. Location of shopping centers, multi-family residential or other non-residential land uses.
- d. Methods proposed for sewage disposal, water supply and storm drainage.

Approximate densities and intensities of various land uses.

e. _____

2. _____

~~B. Phasing plan and schedule approval: Upon acceptance of the general design approach by the Planning and Zoning Commission and Town Council, the DMP shall be followed by the preparation of a Preliminary Plat. If development is to take place in several stages, the DMP must be submitted as a supporting document for each stage. The DMP must be kept up to date by the Developer as modifications take place.~~

C. Development Master Plan review and approval

- ~~1. Upon acceptance of an application for approval of a Development Master Plan, the Town Manager will have ten (10) working days to advise the applicant if the submittal is complete.~~

1. Review Timelines are specified in the Tusayan Subdivision Application Packet. Upon acceptance of an application for approval of a Development Master Plan, the Town Manager will advise the applicant if the submittal is complete

2. Copies of complete applications will be forwarded to the Town departments and other third party agencies and service providers that serve the area for their review and comment; and utility and public safety agencies that serve the area for their review and comment.

3. The reviewing agencies and departments may submit their comments and recommendations in regard to the application to the Town Manager. The

Town Manager will then summarize the received comments and recommendations, prepare a staff report and present it to the Planning and Zoning Commission.

4. The Planning and Zoning Commission shall consider the proposed Development Master Plan at its next regularly scheduled meeting no sooner than twenty-one (21) working days after an application has been determined to be complete. Upon action of a Development recommendation of approval, approval with conditions, or denial Master Plan, or approval with conditions by the Commission on the Development Master Plan, the Town Council shall consider the proposed Development Master Plan within sixty (60) working days of the Commission's decision recommendation.
5. Development Master Plan approval by the Town Council constitutes authorization for the Developer to proceed with the preparation and submittal of the Preliminary Plat.
6. Upon approval of the general design approach by the Planning and Zoning Commission and Town Council, the DMP shall be followed by the preparation of a Preliminary Plat. If development is to take place in several phases, the DMP must be submitted as a supporting document for each phase. The DMP must be kept up to date by the Developer as modifications take place.

13-2-45. Preliminary Plat

A. Application Procedures and Requirements

1. ~~1.~~ **In general:** The Preliminary Plat stage of land subdivision involves detailed subdivision planning, submittal, review, and approval of the Preliminary Plat. The Preliminary Plat must substantially conform to the Concept Plan and may only be submitted subsequent to the approval by Town Manager, and must be accompanied by payment of the prescribed fees. The Developer must provide all essential information outlined below to enable the Town to determine the character and general acceptability of the proposed subdivision.
- ~~1.~~ Within six (6) months of approval of Concept Plan or the Development Master Plan (DMP), an applicant shall apply for a Preliminary Plat for a subdivision. If this requirement is not met, the Developer may be required to resubmit a Concept Plan for a pre-application conference.
- ~~2.~~
- ~~2.~~
3. ~~2.~~ **Diminution of fair market value waiver required:** An executed, notarized waiver by the owner of the subject property of any and all claims for diminution in fair market value as defined by A.R.S. § 12-1134, must be submitted with the Preliminary Plat application. The Town may request an updated waiver at subsequent stages in the Town review and approval process, including following final Town Council approval.

B. Preliminary Plat Submission: In addition to a completed Preliminary Plat application form, a complete submittal shall include:

1. A non-refundable Preliminary Plat filing fee (See Tusayan Ordinance Resolution, X-X, Fee Schedule);
2. A brief project narrative with a description of the proposed project.
- ~~1.3.~~ The required number of copies of the Preliminary Plat as specified in the Subdivision Application packet available from the Town of Tusayan of the Preliminary Plat showing:

a. Identification and descriptive data

- i. Proposed subdivision name, location by township, range, and section, and reference by dimension and bearing to a section or quarter section corner.
- ii. North arrow, scale and date of preparation.
- iii. Name, address and phone number of the owner, and of the engineer, surveyor, landscape architect or land planner who prepared the Plat.
- iii-iv. Professional Seal
- iv-v. Vicinity map showing the relationship of the proposed subdivision to main traffic arteries and any other landmarks that would help to locate the project.
- v-vi. Assessor's parcel numbers for all abutting properties.

b. Existing conditions data

e-b.

- i. Topography by one- (1), two- (2) or five- (5) foot contour intervals adequate to reflect the character and drainage of the land as determined by the Town Engineer, and related to U.S. Coastal and Geodetic Survey (USC&GS) datum, or other approved datum.
- ii. Surveyed location of all existing improvements on public rights of way and private property including land use, structures and fences, walls, shacks, barns, utility lines, wells, streams, irrigation canals and structures, private and public culverts, ditches, washes, lakes, water features of all types, direction of flow, flow pattern, location and extent of areas subject to inundation, and whether such inundation is frequent, periodic, or occasional and data regarding frequency.
- iii. Location, width, and names of all platted or otherwise defined streets, drainage and utility easements, public areas, and municipal boundaries within, adjacent to, or extending from the property.
- iv. Location of historic and archaeological sites, if any.
- v. Acreage and zoning of the property and abutting properties.
- vi. Complete boundary dimensions of the property.
- vii. Evidence of adequate access from an existing public right-of-way.

d. Proposed conditions data

e-c.

- i. Proposed lot configuration, including approximate size and dimensions of each lot, and identification of each lot by number, and total number of lots; building setback lines; street light locations; hydrant locations; street layout, including location, width, curve radii, and

proposed names.

- ii. Identification of average and minimum lot size(s).
- iii. Designation of all land(s) to be dedicated and reserved for public use with use and acreage for each indicated.
- iv. Location of all proposed private, public and controlled access streets and identification of all access devices on local streets within the subdivision; their means of accomplishing access control (e.g. signage, traffic barriers, gates, etc.) and monitoring devices and facilities; and their hours of operation and standards and procedures for admittance.

3. Statement of the status of Water Adequacy shall be included. {Town Input Requested}

4. Approvals from the Sanitary District and the Water Provider that state that the subdivision can be served.

3.5. **A If a Sewer and/or Water Impact Analysis,** if required per the Design Standards, it must be submitted and approved by the Town Engineer before the Preliminary Plat will be approved.

4.6. **A Traffic Impact Analysis,** if required per the Design Standards, must be submitted and approved by the Town Engineer before the Preliminary Plat will be approved.

5.7. **A Drainage Impact Analysis,** if required per the Design Standards, must be submitted and approved by the Town Engineer before the Preliminary Plat will be approved.

6.8. **CCRs:** If necessitated by the subdivision (as determined by the Town Manager), a preliminary draft or outline of protective Covenants, Conditions and Restrictions (CCR's) that demonstrate the proposed theme and character of the proposed subdivision. The possible necessity of CCR's will be discussed at the Pre-Application Conference.

7.9. **Development Agreement:** If necessitated by the subdivision (as determined by the Town Manager), a preliminary draft of the Development Agreement (DA). The possible requirement of a Development Agreement will be discussed at the Pre-Application Conference.

8.10. Such other information as, in the opinion of determined by the Town Manager, will be required to be necessary to complete a thorough analysis of the Preliminary Plat in terms of its compliance with all Town codes, ordinances, rules and regulations.

C. Preliminary Plat review and approval

1. Review Timelines are specified in the Tusayan Subdivision Application Packet. Upon acceptance of an application for approval of a Preliminary Plat, the Town Manager will have ten (10) working days to advise the applicant if the submittal is complete.
2. Copies of complete applications will be forwarded to the Town departments and utility and public safety agencies that serve the area for their review and comment.
3. The reviewing agencies and departments ~~shall transmit their~~ may submit comments and recommendations in regards to the application to the Town Manager. The Town Manager will then summarize the received comments and recommendations, prepare a staff report and present it to the Planning and Zoning Commission.
4. The Planning and Zoning Commission shall consider the proposed Preliminary Plat at its next regularly scheduled meeting no sooner than twenty-one (21) working days after an application has been determined to be complete. Upon action of a Preliminary Plat, or approval with conditions a recommendation of approval, approval with conditions or denial, by the Commission, the Town Council shall consider the proposed Preliminary Plat within sixty (60) working days of the Commission ~~decision~~ recommendation.
5. Preliminary Plat approval constitutes authorization for the Developer to proceed with the preparation and submittal of engineering plans and specifications for public infrastructure improvements and the Final Plat. Preliminary Plat approval does not assure Final Plat approval and expires without further action of the Town if a Final Plat is not submitted within one year or such other period of time specified at the time of Preliminary Plat approval. An extension of up to one (1) year may be granted by the Town Manager provided an application for extension is approved by the Town Manager prior to the expiration date.

13-2-56. Subdivision Technical Review

- A. The Developer shall provide the Town Manager with complete sets of engineering plans and specifications prepared by a civil engineer who is currently registered in the State of Arizona. Such plans and specifications must be designed based upon the approved Preliminary Plat and may be prepared prior to or in conjunction with the Final Plat.
- A-B. Approval of engineering plans and specifications for the installations of required street, streetlight, sewer, electric and water facilities, drainage, flood control,

adequacy of water and improvements are required prior to recordation of an approved Final Plat.

BC. The Final Plat will not be considered by the Town Council until all engineering plans as noted above have been approved by the Town Engineer, the Fire District, and other applicable review agencies.

D. If water and sewer mains are being constructed that will be owned by the Sanitary District or a private water provider, the appropriate company must approve the design and agree take ownership for operation and maintenance in accordance with their policies and regulations. The water and sewer mainline extensions must be constructed to meet the requirements of the Arizona Department of Environmental Quality. Prior to the approval of the engineering plans, the Town shall require written approval of the Construction Plans by the Sanitary District, the private water provider and documentation of the ADEQ Approval.

GE. If water and sewer mainline extensions are being constructed that will be owned by the Town of Tusayan, they must be designed in accordance with the Town Design Standards. Tthe Developer must furnish Arizona Department of Environmental Quality (ADEQ) and the Town Engineer such evidence as the ADEQ may require regarding the adequacy of the design and operation of the proposed potable water and sanitary sewerage facilities. Prior to ~~construction~~approval of the engineering plans, the following ADEQ permits are required to have been obtained as applicable to the Subdivision: An Approval of Sanitary Facilities for Subdivision, an Approval to Construct Drinking Water Facilities, and a Construction Authorization for a Sewage Collection System/ Onsite Wastewater Treatment.

DE. Street light requirements ~~design, as determined required~~ by the Town of Tusayan Subdivision Standards, Tusayan Zoning Code ~~Zoning Code~~ and the Tusayan Design Standards shall be included in the engineering plans and specifications and must be approved by the Town Engineer.

~~E. Engineering plan and specification submission.~~

13-2-67. Final Plat

A. Application procedure and requirements:

1. 4. **In general:** The Final Plat stage involves the final design of the

subdivision, submittal of engineering plans and specifications (if not already completed), final Covenants, Conditions and Restrictions (CC&Rs), satisfactory assurance documentation, and execution of a Development Agreement, if applicable.

1. No later than one (1) year after the approval of a Preliminary Plat, a Developer may apply for approval of a Final Plat. Failure to do so will automatically nullify the approval of the Preliminary Plat without any action by the Town unless the Town Manager has approved an extension prior to the expiration of one year.

2.

3. ~~2.~~ **Zoning:** The zoning of a tract/property must permit the proposed subdivision. Zoning changes and/or variances required to enable the property to be developed divided as proposed must be approved through the applicable process in the Tusayan Zoning Code by the Town Council prior to or in conjunction with the submission approval of a Preliminary Final Plat. ~~When a zone change request is accompanied by a Preliminary Subdivision Plat, the change of zoning shall not vest or become effective until recordation of a Final Plat.~~

B. Final Plat Submission - In addition to a completed Final Plat application form and fee payment, a complete submittal shall include:

1. A non-refundable Final Plat filing fee (See ~~Ordinance~~ Tusayan Resolution X-X, Fee Schedule);

2. A brief project narrative with a description of the proposed project.

3. The required number of copies of the Plat as specified in the Tusayan Subdivision Application packet available from the Town of Tusayan.

2.4. Proof of Adequate Water Supply in accordance with ARS 9-463.01 is required prior to the recordation of an approved Final Plat, {Town Input Requested}

- ~~3.5.~~ A certificate or letter from each utility company, including the sanitary district and water provider, providing service to the area indicating approval of the method of the proposed utility installations and confirming the availability of services.

- 4.6. An Arizona Department of Transportation access permit, where required
- 5.7. If applicable and not already completed with the Preliminary Plat, the Development Agreement or Public Improvement Agreement between the Developer and the Town shall be recorded.
- 6.8. A completion date for the construction of the improvements shall be declared and notice given to the Town Manager, which date shall be approved by the Town Council. The completion date for the improvements shall not exceed two (2) years from the date of such approval. Failure to complete the improvements by the completion date may ~~cause the forfeiture of~~ entitle the Town to draw on the assurances described hereafter, in Subsection (B)(12).
- 7.9. A Final Plat, in recordable form, on disk in digital format.
10. If applicable, a copy of the protective CC&Rs in the form for recording shall be submitted and recorded with the Final Plat. The CC&Rs shall include, at a minimum, a mechanism to allow the capability for home or property owners to establish or create a homeowners' association subsequent to the declarant conveying a majority of the subdivided properties to other parties. The CC&Rs shall state that notwithstanding any other provision of the CC&Rs a lot owners' association may be created by lot owners' majority vote thereof, subsequent to the conveyance of a majority of the platted lots by the declarant.
- 8.11. Right of Way and Easements: It shall be the responsibility of the Developer to provide on the Final Plat, prior to plat recordation, such Right of Way and easements in such location and width as required for public utility purposes or public access. The following notation shall be placed on all Final Plats: "Construction within easements, except by public agencies and utility companies, shall be limited to utilities and wood, wire or removable section-type fencing and/or plantings or turf. It is understood that the utility companies will not be required to replace any obstructions or plantings that must be removed during the course of maintenance, construction, or reconstruction within any utility easement."
12. Final Plat Requirements:
- a. Identification and descriptive data
 - i. North arrow, scale, and date.
 - ii. A title which includes the name of the subdivision and its location by section, township, range and county.

- iii. Name, address, registration number, and valid seal of the registered land surveyor preparing the Plat.
- b. Survey data
 - i. The Final Plat shall identify all boundary lines and corners, together with courses and distances and all curve or angle data. Subdivision corners, other monuments, lot corners, and other survey points must be described and located. One tie must be made by true course and distance to a GLO corner, or, if none exists, to a corner of common acceptance. Proposed subdivisions adjacent to existing subdivisions must tie to the corners of the existing subdivisions. Adjoining property must be identified by subdivision name. Un-subdivided, and Forest Service lands must be noted. All connecting streets, private and public and Forest Service roads must be shown and named.
 - ii. The Final Plat shall include name, courses, length and width of all public streets, radii, points of tangency, and central angles of all curvilinear streets; radii of all rounded street line intersections; location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public; and a statement noting that the streets dedicated on the Plat will not be accepted for Town maintenance until they are brought up to minimum Town standards.
 - iii. A registered professional land surveyor must certify that all lots are staked, or will be staked within six months.
- c. Existing conditions data
 - i. Utility easements intended to remain on the property. The notation as described in Section 13-2-5(A)3 above shall be on the Final Plat.
 - ii. Drainage easements intended to remain on the property, with the following notation: "Natural, unimpeded flow is preferred in all drainage ways, wherever practical. No structure of any kind may be constructed or placed, nor may any vegetation be planted nor be allowed to grow within, on or over any drainage easement which would obstruct or divert the flow of storm water. The Town may construct and/or maintain drainage facilities on or under the land in any drainage easement."
- d. Descriptive data required

- i. Name, right-of-way lines, courses, lengths, width of all public streets, crosswalks, utility easements; radii, points of tangency and central angles of all curvilinear streets and rounded street line intersections.
 - ii. Utility easements needed in conjunction with the new Plat to include the notation as cited in Section 13-2-5(A)3 above.
 - iii. All drainage ways shall be shown on the Plat. The rights-of-way or easements for all major drainage ways, as designated by the Town Engineer, shall be dedicated to the Town.
 - iv. Location and dimension of all residential lots, including identification of each lot by number and size of each lot, total number of lots and average and minimum lot sizes.
 - v. All residential lots shall be numbered by consecutive numbers throughout the Plat. "Exception", "tracts", and parks shall be so designated, lettered or named and clearly dimensioned.
 - vi. Locations, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public with the use clearly indicated.
 - vii. Location of all adjoining subdivisions with date, map and page number of recordation noted, or if unrecorded or un-subdivided, so marked.
 - viii. Show the limits of the one hundred- (100) year flood prone area on the Final Plat in a surveyable and readily retraceable manner with frequent ties to intersecting lot lines for all flows of fifty (50) cubic feet per second or more.
- e. ~~Assurances are required for improvements that will be dedicated to the Town per 13-2-7 Assurances for Public Improvements.~~
- f.
- g.e. 14. Dedication and acknowledgment - A statement dedicating all streets and easements for public use by the person holding legal title of record to the property. If the property contains any liens, all lienholders shall execute an appropriate release for all dedications. If the Plat shows private access ways, it must note that public utilities, including refuse collectors, shall reserve the right to install, conduct and maintain utilities in such access ways. The signatures following this dedication and acknowledgment shall be notarized.

C. Final Plat review and approval

1. Upon acceptance of an application for approval of a Final Plat, the Town Manager will have ten (10) working days to advise the applicant if the submittal is complete.
2. Copies of complete applications will be sent to the Town departments and utility and public safety agencies that serve the area. When an application has been determined to be complete, the Town Council shall consider the proposed Final Plat no sooner than twenty-one (21) working days after an application has been determined to be complete.
3. Recordation: Upon receipt of the required assurances, **and proof of adequate water supply {Town Input Requested}**, the applicant will provide the Town with the approved Final Plat. The Town Manager will have the Final Plat recorded and provide a recorded copy of the Plat to the applicant.
4. Failure to record within one (1) year after the approval of the Final Plat will automatically nullify the approval of the Final Plat without any action by the Town unless the Town Manager has approved an extension prior to the expiration of one year.

13-2-78. Assurances for Public Improvements

In order to ensure proper installation of public improvements, the Developer shall designate the type of assurance in a form and method acceptable to the Town Attorney and approved by Town Council in conjunction with review of the Final Plat. Approved forms of assurance are available from the Town Manager. A final copy of said assurance shall be submitted to staff ~~within ninety (90) working days of Council approval, and prior to the recordation of any Final Subdivision Plat and approved by the Town Council staff.~~ The amount of said assurance shall be based on a cost estimate prepared by a registered civil engineer in an amount to cover one hundred ten percent (110%) of the complete installation of the public improvements. ~~Failure to provide approved assurances of construction within said ninety (90) working days shall be grounds for revocation of the Final Plat. Continued failure to provide approved assurances of construction following fourteen (14) working days written notice to the applicant as indicated on the subdivision Final Plat application form shall cause the Final Plat to be deemed revoked.~~ This assurance shall provide for its forfeiture to the Town in the event the improvements are not accepted by the Town by the declared completion date due to the default of the Developer or the appropriate real part in interest. Any portion of the forfeiture in excess of the expenses incurred by the Town in connection with the installation or repair of the improvements shall be returned to the Developer or the appropriate real party in interest at the end of the warranty period. The Developer must provide the Town with one of the following types of financial assurances for the completion of the construction of the public improvements required

for the development of the subdivision:

A. Cash, surety bond, or letter of credit

1. The Developer shall deposit with the Town Clerk cash or surety bond, or an irrevocable letter of credit issued by an approved institution.
2. The surety bond shall be executed by the Developer with a corporation duly licensed and authorized to transact surety business in the State of Arizona, as surety. The bond shall be in favor of the Town, shall be continuous in form, and shall require that the total aggregate liability of the surety for all claims shall be limited to the face amount of the bond, regardless of the number of years the bond is in force, and shall provide that:
 - a. The bond, cash, or letter of credit shall be released upon satisfactory completion of the work. Progress payments may be made in accordance with standards established by the Town Engineer.
 - b. The bond or letter of credit may be cancelled by the Developer, provided that other security, satisfactory to the Town Attorney has been deposited which will cover the obligations of the Developer which remain to be performed.
 - c. Any work abandoned or not completed by the Developer may be completed by the Town, which shall recover the construction and repair costs from the Developer, the bonding agent, or approved lending institution.

B. Assurance of construction through loan commitment

In lieu of providing assurance of construction in the manner provided above, the Developer may provide assurance of construction of all required utility and infrastructure improvements, by delivering to the Town in a manner described above, an appropriate agreement acceptable to the Town Attorney between an approved lending institution and the Developer, which provides:

1. A statement that funds sufficient to cover the entire cost of installing the required improvements, including engineering and inspection costs, and the cost of replacement or repairs of any existing streets or improvements demanded by the Town in the course of development of the subdivision have been deposited with such approved lending institution by the Developer. The agreement shall provide that the funds in the approved amount are specifically allocated, and will be used by the Developer, or on his behalf, only for the purpose of installing the subdivision improvements.
2. That the Town shall be the beneficiary of such agreement, or the Developer's rights shall be assigned to the Town, and the Town Engineer shall approve each disbursement of such funds.

- C. Alternative assurances: In lieu of providing a surety bond or an agreement between the Developer and an approved lending institution, the Town Attorney may approve and recommend to Town Council such alternative assurances that it deems sufficient to guarantee and assure construction and repair of the required public improvements, ~~including a performance of the Developer.~~
- D. An approved lending institution for purposes of these Subdivision Standards is an FDIC-insured bank or savings and loan association licensed and authorized to do business in Arizona.

13-2-89. Minor Land Divisions

A. Purpose and Intent of these regulations is:

1. To provide for the partitioning of land into two or three lots, tracts or parcels of land or the combination of lots, tracts or parcels through a process that is more expeditious than the subdivision process;
2. To assure that the proposed parcels are in conformance with the Town's Subdivision standards;
3. To obtain accurate surveying and permanent public record of the separate interests created and conveyed by the division of lands; ~~and,~~
4. To assure adequate access and to provide a coordinated street system; and,
5. If a new street is involved, land that is divided into two or more lots is considered a subdivision and a minor land division is not applicable.

~~A.B.~~ B. Land Split or Combination Procedures and Requirements

The preparation, submittal, review, and approval of all land splits or combinations located within the Town limits shall proceed through the following progressive stages, except as otherwise provided in this chapter:

1. Optional pre-application conference with the Town Manager.
2. Submittal by the Developer, and review and approval of the land split or combination application and map by the Town Manager.
3. Recordation of the approved land split or combination map and associated legal description with the Coconino County Recorder's office.

~~B.C.~~ C. Pre-Application Conference

1. The pre-application conference stage of land split or combination review is an optional investigatory period preceding the preparation and submittal of the land split or combination application by the Developer. The Developer shall initially present the land split or combination proposal to the Town Manager who shall advise the Developer of specific public objectives,

standards, and regulations related to the property and the procedure for land split or combination review.

2. An application for land split or combination approval shall include a sketch plan of the proposed land split or combination so that the Town Manager can determine whether the approval process authorized by this Section can and should be utilized. The Town Manager may require the applicant to submit ~~whatever additional information is deemed necessary to for~~ make making this determination, including, but not limited to, a copy of the Coconino County Assessor's Map showing the land being divided and all lots or parcels previously divided from that tract of land and all contiguous land under the same ownership for the 15 years prior to the date of submittal.

~~C.~~ Land Split and Combination Applications

D.

1. All submittals shall be checked by the Town Manager for completeness. If the application is determined to be incomplete, the submittal may be rejected and returned to the applicant for revision and resubmittal.
2. Application Submittal: All land split or combination applications shall include the following materials:
 - a. The copies of the land split or combination map showing the proposed land split or combination, existing conditions including the location of all structures, and anticipated setbacks from existing and proposed property lines;
 - b. Any information required as part of the land split or combination submittal shall be shown graphically, or by note, or by letter, or in combination on the plans, and may if necessary comprise several sheets showing various elements of the required data. All mapped data for the same map shall be drawn at the same engineering scale, said scale not to be greater than 100 feet to an inch;
 - c. A completed land split or combination application form;
 - d. Legal description in a form approved by the Coconino County Recorder's office;
 - e. A non-refundable land split or combination application fee (See ~~Ordinance~~ Tusayan ResolutionXX: Fee Schedule), available as a separate document from the Town); and,
 - f. Complete contact information for the Developer.
 - f. Professional Seal of Surveyor/Engineer registered in the state of Arizona.
 - g.

b.

E. Application Approval Standards:

1. All land split or combination applications shall be designed to comply with the requirements of the specific zoning district within which it is located, including minimum lot area, lot depth, lot width and minimum access requirements.
2. No lot or parcel shall be divided in such a way that any division contains more density than are permitted by the zoning regulations in the district in which the lot or parcel is situated.

F. Process for Approval.

1. The Developer shall submit all of the documents, information, data, and other requirements for approval of a land split or combination to the Town Manager. The Developer shall also furnish to the Town Manager any additional information and materials relevant to the application that are reasonably believed to be necessary in order for the Town Manager to evaluate, analyze, or understand the subject matter of the application, and to ensure compliance with the requirements of this division. Compliance shall be determined by the Town Manager.
2. The procedures for approval, modification, or denial of land split or combination applications shall be as follows:
 - a. The Town Manager shall approve or disapprove applications for land splits or combinations pursuant to the provisions of this Section and shall ensure compliance with any applicable conditions of approval.
 - b. A Developer may appeal a final action of the Town Manager to the Planning Commission~~Town Council~~ in accordance with Article 13-5, Appeals, of this ~~Chapter~~these Subdivision Standards.

13-2-910. Lot Line Adjustments

A. When a common lot line between two adjoining parcels requires adjustment, the submittal requirements and procedures for a land split provided in these Subdivision Standards, Land Splits or Combinations, shall be followed for review and approval by the Town manager.

A.

B. In addition to the submittal requirements for a land split or combinations established in these Subdivision Standards, Land Split and Combination Applications, the written consent of all owners of the real property associated with the proposed boundary adjustment.

CHAPTER 13-3. DESIGN PRINCIPLES

13-3-1. Street Location and Arrangement

A. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Town's General Plan and shall ensure public safety and convenience, and respond to existing natural features of terrain, vegetation, and drainage.

B. The primary access to a subdivision must be capable of transporting fire and other emergency vehicles. The primary access must have all weather capability, minimum 14 feet overhead clearance, and a 20 foot or wider surface capable of supporting vehicles weighing 42,000 pounds or more. Nothing in this paragraph shall be construed as modification of the necessity to conform to the Tusayan Design Standards and good engineering practice.

BC. Street layout shall provide for the continuation of existing principal streets through new subdivisions. Principal streets typically follow section or mid-section lines, however, if the alignment is impractical then right-of-way shall be provided at least every ½ mile (2640 feet).

GD. Certain proposed streets, shall be extended to the tract boundary to provide future connection with adjoining un-platted lands.

1. Street connections to an adjoining platted tract shall be made only to those extended streets of the platted tract.
2. Street connections shall be designed to accommodate the amount of increased traffic flow generated by the proposed subdivision, as determined by an engineered traffic study or as approved by the Town Engineer.

E. Cul-de-sac streets shall be constructed with a minimum unobstructed turn-around radius of fifty (50) feet which shall be free from parked vehicles. The Town Engineer may recommend an equally convenient form of turning and backing areas where extreme conditions justify. The maximum length of cul-de-sac streets shall be one thousand two hundred (1,200) feet, as measured from the intersection of right-of-way lines to the extreme depth of the turning circle along the street centerline or a maximum of twenty-five (25) lots.

E.F. Any subdivision exceeding fifty (50) lots shall require a minimum of two (2) access points, one of which may be an emergency access. An exception may be made where topography or geographical constraints may justify.

EG. Where a proposed subdivision abuts or contains an existing or proposed arterial and collector routes, sufficient right-of-way may be required for access,

frontage streets, and/or turning movements or for reverse frontage combined with a one- (1) foot non-access easement abutting the major route; or for such other treatment as may be justified for protection of residential properties from function of the major route.

- | FH. Where a subdivision abuts or contains the right-of-way of a limited access highway or an irrigation canal or abuts a commercial or industrial land use, the Town Engineer may require location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of the intervening land. Such distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.
- | GJ. Streets shall be of reasonable gradient and shall facilitate adequate drainage.
- | HJ. No alleys may be constructed in subdivisions, except that the Town Council may waive the requirements in certain areas because of topography, open area provided or service access.
- | IK. A minimum of two (2) permanent reference survey monuments shall be required for a street as a recoverable point for future surveys. These monuments shall have a geometric tie to the Town of Tusayan geometric coordinate system.

13-3-2. Streets

All streets in the Town, public or private, unless otherwise specified in these Subdivision Standards, shall be designed to the requirements in the Town of Tusayan Design Standards and as follows:

A. Minimum required right-of-way width

- 1. ~~Principal and minor Arterial streets and highways as indicated by Town Tusayan Design Standards but, in any event, shall be no less than one hundred (100) feet or as required by the Arizona Department of Transportation standards.~~
- 2. ~~Collector streets as indicated by current Tusayan Design Town standards Standards but, in any event, shall be no less than eightyseveny (870) feet.~~
- 3. ~~Local streets as indicated by current Town standards but, in any event, shall be no less than fifty-sixty (5060) feet, unless otherwise specified in these Subdivision Standards.~~
 - a. Cul-de-sac streets shall terminate in a circular right-of-way fifty (50) feet in radius with a minimum improved traffic turning circle

forty five (45) feet in radius. The Town Engineer may approve an equally convenient form of space where extreme conditions justify.

- b. Dead end streets will not be approved except in locations designated by the Town Engineer as necessary to future extension in development of adjacent lands. A dead end street serving more than four lots shall provide a temporary turning circle with a forty-(40) foot radius or other acceptable design to accomplish adequate access.
- c. ~~Rights of way for industrial subdivisions shall be a minimum of sixty (60) feet in width.~~

- 4. Access or frontage streets - As required by a Traffic Impact Analysis or as needed for principle arterials.
- 5. All streets shall be paved in accordance with the Town of Tusayan Design Standards.

B. Private Streets

- 1. Private streets shall be constructed to conform to current Town of Tusayan street standards, including but not limited to right-of-way widths, sidewalks, trails, street lights, signs, roadway geometric criteria, and pavement structural section.
- 2. If private streets are proposed for a subdivision, then the following additional requirements must be met:
 - a. A homeowners association shall be established at the time the Final Plat is approved.
 - b. An emergency rapid entry system for unrestricted entry of police and fire emergency vehicle at all gated location shall be provided.
 - c. Finally, a note shall be placed on the Final Plat that states, "All private streets that are identified as a "tract" or "common areas" shall be maintained by the homeowners association. The Town shall not maintain these roads.
- 3. Any deviation or variance from these requirements shall require Town Council approval.

C. Town Trails Master Plan Map

The Town of Tusayan General Plan contains the Trails Map. Any trail defined on this map may be included in a subdivision and constructed by the Developer per Town of Tusayan Design Standards. An easement with a minimum width of 10' may be dedicated to the Town for maintenance of the trails. The location must meet with the written approval of the Town Engineer.

13-3-3. Blocks

- A. Blocks shall not exceed one thousand three hundred and twenty (1,320) twelve hundred (1,200) feet in length between street centerlines. Variation from this requirement may be justified where topography or optimal lot configurations are achieved or when lot sizes average one-half acre or greater. Variations shall be approved by the Town Engineer.
- B. Blocks shall have sufficient width for an optimal layout of two tiers of lots of the size required by the Town of Tusayan Zoning Code zoning ordinance development Development standards Standards (unless located on a collector road).
- C. Where practical, pedestrian ways with a minimum easement/right-of-way width of ten (10) feet may be required at mid-block and/or internal connection locations where essential for access to schools, playgrounds, common open space or other community facilities. Pedestrian ways may be used for utility purposes.

13-3-4. Lots

- A. Lot width, depth, and area shall comply with the minimum development standards of the applicable zoning district in the Town of Tusayan Zoning Code.
- B. Lots having double frontage should be avoided except where necessary to provide separation of the residential development from traffic collectors and arterials. A symbol establishing which side will be driveway accessible is required for each double-fronting lot. A non-vehicular access (NVA) easement shall be shown on the opposite side of the lot.

13-3-5. Easements

Generally, a Public Utility Easement (PUE) shall be sixteen (16) feet in width. In cases of steep [greater than a six percent (6%) slope] or unusual topography, the PUE may be increased or decreased in width as needed. Additional width may be required for depths over eight (8) feet or additional utility lines. The Town Engineer and the owner of the utility lines must approve the reduction of the easement width. Easements must be able to accommodate the separation of utilities in accordance with franchise utility company utility requirements and the AAC R18-5-502 Minimum Design Criteria for Water and Sewer Mains.

13-3-6. Water, Sewer and Reclaimed Water Facilities

- A. Water, Sewer and Reclaimed Water Facilities must be designed by the developer and approved by the utility provider of the improvements.

1. If the utility extension is to be owned and maintained by a private water provider or the Sanitary District, their approval of the design must be submitted in writing to the Town of Tusayan before the Town shall approve the engineering plans. The design must meet the service providers standards and requirements.

2. If the water main extension is to be owned and maintained by the Town of Tusayan, the Town Engineer must approve the design before construction of the improvements. The design must meet the Tusayan Design Standards.

B. Subdivision utility facilities will conform to the standards of the Building Codes, and Arizona Department of Environmental Quality (ADEQ).

C. If the utility system is providing fire flow, the Developer must obtain approval of the design from the Fire District.

D. The Town will not issue any certificates of occupancy until the subdivision utility improvements are completed to the requirements of ADEQ and are accepted for maintenance and operation by the service provider.

13-3-6. Water Facilities

A. ~~water utility provider~~Meet Standards....Meet standards....~~Subdivision water system and facilities will conform to the precepts of the Building Codes and Arizona Department of Environmental Quality (ADEQ).~~

~~_____ If the water system is providing fire flow, the Developer must obtain approval of the design from the Fire District.~~

~~Each lot or building unit shall be supplied with potable water in sufficient volume and pressure for domestic use and fire purposes. Design and construction of any and all facilities relating to transmission and distribution of potable water within and outside of any subdivision must meet with the written approval of the Town Engineer.~~

B. ~~Water mains shall be looped or installed in a circulatory configuration whenever possible. Branching or dead-end patterns may be acceptable if no looping alternative is present.~~To design standards

C. ~~The Town will not issue any certificates of occupancy until the subdivision utility improvements are completed to the requirements of the Design Standards and are accepted for maintenance and operation by the Town Council or the private utility company.~~

13-3-7. Reclaimed Water Facilities

~~A. Subdivision reclaimed water system and facilities will conform to the precepts of the Building Codes and Arizona Department of Environmental Quality (ADEQ).~~

~~B.~~

~~Each lot or building unit shall be supplied with reclaimed water in sufficient volume and pressure for sanitary, landscaping and fire purposes. Design and construction of any and all facilities relating to transmission and distribution of reclaimed water within and outside of any subdivision must meet with the written approval of the Town Engineer.~~

~~C. Reclaimed water mains shall be looped or installed in a circulatory configuration whenever possible. Branching or dead-end patterns may be acceptable if no looping alternative is present.~~

~~D. The Town will not issue any certificates of occupancy until the subdivision utility improvements are completed to the requirements of the Design Standards and are accepted for maintenance and operation by the Town Council or the private utility company.~~

~~13-3-8. Sewer Facilities~~

~~A. A. Wastewater disposal facilities shall be installed to serve each lot and be subject to the following standards and approvals:~~

~~1. 1. Public sanitary sewers shall be required. Gravity sewer system is the preferred method of collecting and conveying wastewater. Low-pressure sewer systems are discouraged (justification acceptable to the Town Engineer is required). However, low-pressure sewer systems may be considered for use if a homeowners' association is established during the platting process to oversee operation and maintenance of the individual grinder pump stations and odor control. If low-pressure sewer systems are utilized within a subdivision, a hybrid of gravity and low-pressure sewer shall be contemplated with line lengths for low-pressure sewer system kept to minimum lengths in an attempt to minimize odors.~~

~~B. Public sanitary sewers that are proposed in public utility easements extending through the rear or side yards of lots shall be discouraged. However, topography or excessive cost may dictate the installation of sewers in such public utility easements if approved by the Town Engineer. All-weather road access shall be provided to each manhole.~~

~~Design and construction of any and all facilities relating to the collection and conveyance of wastewater within and outside any subdivision is the responsibility of the Developer of the subdivision and must meet with the written approval of the Town Engineer.~~

~~The Town will not issue any certificates of occupancy until the subdivision utility~~

~~improvements are completed to the requirements of the Design Standards and are accepted for maintenance and operation by the Town Council or the private utility company.~~

13-3-97. Drainage

- A. Any development that contains a floodplain must meet the Town and FEMA requirements and get the approval from the Town's delegated Floodplain Administrator and the delegated Floodplain Management Agency, as defined in Chapter 13-6 Terminology.
- B. Drainage and topography shall be a primary consideration of any subdivision.
- C. ~~The preservation of natural flood areas, streams, washes, arroyos, rivers or ephemeral drainage courses shall be maintained, if possible, in their natural riverine environment. The limits of the ten (10) year flood event shall define the extent of the area of concern. The only exceptions are for roadway crossings and utility lines, if no other alternative exists. Any subdivision proposal which proposes the preservation of natural flood areas shall be considered superior to all others.~~
- ~~D.C.~~
- E. ~~Drainage layout and development shall meet all state and federal requirements. The developer shall not undertake any improvements, grading and other modifications to the flood plain or floodway that result in residents of Tusayan not being able to purchase flood insurance, or to receive disaster relief, or to obtain real estate loans.~~
- F.D. Subdivision improvements that propose grading and/or grade changes shall not have an adverse impact on surrounding property. At the boundaries of the subdivision, all drainage and floodwaters shall be accepted and released so that the flow characteristics are minimally disturbed by providing appropriate entrance and exit transitions.
- G.E. All weather access to all lots shall be provided during the 100 year regulatory flood and shall mean depths of flows over primary and secondary access streets will not exceed one foot to allow passage of emergency vehicles. The standard applies to both public and private streets.
- H.F. All drainage ways that convey fifty (50) cubic feet per second or more, during the one hundred- (100) year flood event, shall be considered a regulated drainage course and shall be dedicated to the public with provisions for maintenance access ramps. Flows less than fifty (50) cubic feet per second shall be regulated for impacts to buildings and structures, particularly, the placement of the finished first floor or basement, and shall be designated a common area or noted on the Final Plat as impacting a lot and the lot owner's responsibility for maintenance.

G. A Drainage Report which addresses the hydrologic and hydraulic components relating to onsite and off-site drainage shall be developed and prepared by a registered Arizona Professional Engineer. The Drainage Report shall be approved before the street improvement plans and Final Plat are approved. If the subdivision will be developed in phases, a master drainage plan will be required.

~~I. Drainage basins or watersheds with known flood hazards shall be designated as a critical basin. A Drainage Impact Study Analysis is required for critical basins. Critical basin designation shall be in accordance with the Town of Tusayan Design Standards. To Design Standards Within designated critical basins, all proposed subdivisions shall address on-site detention for the two (2), ten (10) and one hundred (100) year flood event to mitigate the post-development drainage to the pre-development levels. If the Developer can demonstrate that on-site detention will exacerbate the downstream condition then the Town Engineer may waive the requirement. Downstream conditions must be considered.~~

~~J.H.~~

K.I. An operation and maintenance manual shall be provided for storm water detention facilities. Operation and maintenance (O&M) shall be the responsibility of the homeowners association and the O&M manual shall be an attachment to the CC&Rs for the development. If a development does not have a homeowners association, the O&M manual will be required in the form of a recorded agreement. This agreement shall assign permanent responsibility for the operation and maintenance of the facility.

13-3-108. Street Lights

A. Street lights shall conform to the Town of Tusayan Zoning Code and Town of Tusayan Design Standards.

~~B. Street lights shall be installed at all major intersections and on streets with an average lot size of ten thousand (10,000) square feet or less, at all intersections, and at the end of all cul-de-sacs and in no case more than one thousand (1,000) foot intervals.~~

G.B. Where street light lines are to be installed, the Developer shall provide adequate easements for public utilities (to include side lot lines if necessary).

~~Poles for street lights shall be located behind proposed or existing sidewalks where normal rights-of-way exist. Reword~~

SECTION CHAPTER 13-4. IMPROVEMENT REQUIREMENTS

13-4-1. Public Improvement Requirements

- A. Purpose: It is the intent and purpose of this section to set forth the minimum acceptable standards for public improvements; to define the responsibility of the applicant in planning, constructing and financing public improvements; and to set forth the Town's responsibilities in the review and acceptance of public improvements.
- B. Development of plans and specifications
 - 1. The "Uniform Standard Specifications and Details for Public Works Construction" as published by the Maricopa Association of Governments (MAG Specifications) are recognized as acceptable construction specifications and standard details. Because of variations in climate, soils, and availability of materials, modifications to the MAG Specifications may be implemented by the Town. The MAG Specifications shall be utilized at the direction and approval of the Town Engineer.
 - 2. Other pertinent manuals for the development of plans and specifications include "A Policy on Geometric Design of Highways and Streets" as distributed by AASHTO; all design manuals, specifications, and standard details as distributed by the Arizona Department of Transportation; all engineering bulletins as distributed by the Arizona Department of Environmental Quality; "Manual on Uniform Traffic Control Devices for Streets and Highways" as distributed by the U.S. Department of Transportation, Federal Highway Administration; and the various design manuals, procedures, and guidelines as published by professional organizations and governmental agencies.
 - 3. The documents described in Subparagraphs B.1 and B.2 are adopted by reference pursuant to A.R.S. § 9-802 and at least three (3) copies of the documents described above, and any future amendments or revisions, shall be kept on file in the office of the Town Clerk. All copies shall be readily available for inspection, including any supplementary pamphlets or explanatory booklets for distribution to the public.
 - 4. All design and construction for public and private grading shall be in accordance with these standards and:
 - 1. The currently adopted International Building Codes.
 - 2. The Town of Tusayan Zoning Code.

3. The Engineered soils report (if applicable)

- C. Responsibilities: It shall be the responsibility and duty of the applicant to plan, construct, and finance all public improvements associated with subdivisions and land development, unless a Development Agreement specifically provides otherwise. These public improvements must be completed to the standards required by the Town and formally accepted for maintenance and operation before the Town will issue a certificate of occupancy for any building or structure within the subdivision or on the property. The applicant must have an engineer registered in the State of Arizona prepare a complete set of improvement plans for constructing required public improvements. Such plans shall be based on the approved Preliminary Plat, zoning case, Site Plan, and/or staff approval stipulations. The applicant must prepare these plans in conjunction and in conformance with the Final Plat. Improvement plans shall be subject to Town approval prior to recordation of the Final Plat.
- D. Public Improvements Defined: Public improvements mean any right-of-way, easement, access right or physical improvement which, upon formal acceptance by the Town, becomes the responsibility of the Town for ownership, maintenance and repair. Such public improvements may include, but are not limited to, roadways and alley sections including pavement, base course, street lights, curbs and gutters, sidewalks or trails, traffic control improvements, right-of-way landscaping and irrigation systems, drainage facilities, fire hydrants and utilities, including water, sewer, gas, electric power, telephone, and cable television, and all other improvements, which upon completion, are intended to be for the use and enjoyment of the public. This does not include utility lines owned and operated by the Sanitary District or the private water provider.
- E. Public improvement Agreement: If, pursuant to Section BC, Responsibilities, above, the applicant's subdivision, zoning change or development, either new development on existing, vacant or undeveloped property or an addition or expansion to existing developed property, creates the need for the dedication, acquisition, installation, construction or reconstruction of public improvements, then, after such determination has been made, the applicant shall enter into a public improvement agreement prior to the Town's approval and/or issuance of the Preliminary Plat, site plan or Building Permit. The Developer shall provide assurances in accordance with 13-2-8-7 of these Subdivision Standards for public improvements. The public improvement agreement shall be in a form approved by the Town and shall provide for the dedication and/or construction of necessary public improvements by the applicant. If appropriate, the terms of the public improvement agreement may be incorporated into a Town-approved Development Agreement. The public improvements agreement may, if approved by the Town Engineer, provide that the installation, construction or reconstruction of public improvements shall be in specified phases. If construction in phases is approved, the provisions of this division shall apply to each phase as if it were a

separate and distinct public improvements agreement. Any such phase shall be an integrated, self-contained development consisting of all public improvements necessary to serve the property to be developed as part of said phase.

F. Exemptions: The following exceptions are exempt from all the requirements of these Standards except for the installation, construction or reconstruction of water and sewer line extensions, drainage improvements, and street and traffic control related improvements offsite Public Improvements. All requirements of the Town off Tusayan Zoning Code and the DRO still apply.

1. An expansion or alteration of an existing nonresidential or residential use that results in a 25 percent or less increase in the intensity of the use in terms of additional dwelling units, gross floor area, seating capacity or parking spaces, either with a single or cumulative addition(s) or expansion(s).
2. An expansion or alteration of an existing nonresidential or residential use that results in a change of less than 50 percent of the actual value of the structure prior to the start of construction as determined from the records of the Coconino County Assessor or by a current appraisal by an appraiser licensed by the State of Arizona.
3. Construction of a single-family detached residence or a duplex residence of any value or an addition or alteration to an existing single-family residence or existing duplex residence, sized in accordance with the minimum requirements provided in the Engineering-Tusayan Zoning Code Standards.

G. Impact Analysis Required

1. Pursuant to the Tusayan Design Standards in the Town Code, the Town Engineer shall require the applicant to furnish impact studies to assess the impact of new development on the Town's existing streets, public utilities and drainage infrastructure. The Town Engineer shall assess the impact of new development on the Town's utility infrastructure.
2. When an impact study identifies impacts to the Town's public infrastructure that are attributable to the proposed development, impact mitigation is required. The design and construction of improvements to mitigate the identified impacts shall be constructed by the applicant.

~~The requirements of this subsection may be waived with the consent of both the Town and the applicant.~~

3. If impacts are determined to occur within the utilities owned by the Sanitary District or a private water provider, an agreement for mitigation

must be reached between the Developer and the owner of the utility to facilitate service to the subdivision.

H. Minimum Requirements

The public improvements required pursuant to these Subdivision Standards shall have a rational nexus with, and shall be roughly proportionate to, the impact(s) created by the subdivision as determined by the studies described in Section G, Impact Analysis Required, above. The presumptive minimum requirements that are required for public improvements are:

1. Right-of-Way. If, as determined by the Town Engineer, the property to be developed does not have adequate rights-of-way due to the new development, or will not accommodate proposed or contemplated public improvements, then necessary right-of-way shall be granted to the Town. The Town Engineer may impose special requirements to assure future right-of-way needs as may be contemplated under the existing General Plan or other approved land use documents.

a. In the event that the granting of right-of-way or drainage way creates a nonconforming lot due to the decrease in land, the remaining portion shall be considered a legal nonconforming lot.

a.b. When it is necessary for a development to improve a street and, sufficient right-of-way is not available from other area property owners not subject to the provisions of these Subdivision Standardsthis division, the Town Manager, with the approval of the Council, may pursue all legally permissible steps in order to obtain the property necessary for the right-of-way provided there is a demonstrated public need for the additional right-of-way.

2. Water System to be owned and maintained by the Town.

a. Water system improvements shall be sized for the development in accordance with the Engineering-Tusayan Design Standards.

b. Water mains shall be extended to the property being developed.

c. Water lines shall be extended by the Developer to and across the full front, side, and/or rear boundaries of the property being developed where needed, as determined by the Town Engineer.

d. Additionally, where needed as determined by the Town Engineer, water lines sized in accordance with established criteria and protocols employed by the Town Engineer and/or an approved utilities master plan adopted in support of the General Plan to

accommodate future development shall be extended through the property being developed to the property boundaries to provide future connection with adjoining lands.

- e. Water Systems that are not owned by the Town of Tusayan shall be located as required by and approved by the service provider.

3. Sanitary Sewer System to be owned and maintained by the Town-

- a. Sanitary sewer system improvements shall be sized for the development in accordance with the Engineering Tusayan Design Standards
- b. Sewer mains shall be extended to the property being developed.
- c. Sewer lines shall be extended to and across the full front, side, and rear boundaries of the property being developed where needed, as determined by the Town Engineer.
- d. Additionally, where needed as determined by the Town Engineer, sewer lines sized in accordance with established criteria and protocols employed by the Town Engineer and/or an approved utilities master plan adopted in support of the General Plan to accommodate future development shall be extended through the property being developed to the property boundaries to provide future connection with adjoining land.
- a.e. Sanitary Sewer Systems that are not owned by the Town of Tusayan shall be located as required by and approved by the Sanitary District.

4. Drainage.

- a. Drainage improvements are required for the development in accordance with the Town of Tusayan Design Standards and all applicable Town stormwater regulations.
- b. When developments are required to perform a Drainage Impact Analysis (DIA) and the approved DIA identifies impacts to the public drainage system as a result of the proposed development, impact mitigation by the applicant is required. Design and construction of improvements that mitigate the impacts attributable to the development, as identified in the approved DIA, shall be the sole responsibility of the applicant.

a.c. Public drainage improvements are applicable to adjacent right-of-way and on-site based on the findings of required drainage reports, applicable stormwater master plans and General Plan improvements or other documents that clearly demonstrate the need for drainage facilities.

1.5. Franchise Utilities. All telephone, electric power, cable television, natural gas, or other wires or cables necessary to serve the subdivision in accordance with the owning franchise requirements and the Engineering Tusayan Design Standards are required.

2.6. Alley/Lane Improvements. When property access is necessary or proposed via an alley/lane, full width alley/lane improvements along the full property frontage in accordance with the Town of Tusayan Design Standards. Alley/lane improvements shall also be extended to the nearest public street if no improved alley or lane connection presently exists.

3.7. Trails System Improvements. Full width trail improvements may be required in accordance with the Engineering Tusayan Design Standards through or along the full frontage of the property being developed along alignments indicated in the General Plan.

4.8. Traffic Control Related Improvements. When subdivisions or land splits are required to perform a traffic impact analysis (TIA) in accordance with the Engineering Tusayan Design Standards, and the approved TIA identifies impacts to the public road system as a result of the proposed development, impact mitigation by the applicant is required. Design and construction of improvements that mitigate the impacts attributable to the development, as identified in the approved TIA, shall be the sole responsibility of the applicant.

5.9. Street Improvements. Street improvements shall be constructed to and across the full front, side and rear boundaries of the property being developed where needed, as determined by the Town Engineer, as follows:

a. Any multi-residential or non-residential construction shall be required to construct a minimum 24-foot wide street to accommodate two-way traffic and emergency vehicles as well as if required, on-street parking or bike lanes for the full frontage(s) of the subdivision property boundaries which abut existing or proposed public streets.

i. Street types adequate to serve the anticipated traffic volumes generated by the subdivision and the projected neighborhood growth patterns resulting in future

developments as may be contemplated under the existing General Plan or other approved land use documents will be required.

- ii. Street Design Standards for required roadway elements are in ~~Chapter 14~~ the Tusayan Design Standards. The Average Daily Traffic (ADT) determines the street section requirements.
 - iii. If the property being developed is not adjacent to an existing improved public street, Subsection b, below, shall apply.
- b. Where the property being developed is separated from an existing improved public street by an unimproved section of public street, the applicant will be required to construct such connection as necessary to facilitate traffic to/from the subdivision. If there are additional undeveloped properties adjacent who could benefit from the improvements in the future, a Recapture Agreement (See Section 13-4-3) could be created.
 - c. Full width pavement improvements shall be required for adjacent streets. Curb shall be installed on adjacent side only. A fee in lieu of improvements may be substituted as approved by the Town Council.

6-10. The Developer is required to mitigate impacts of the subject subdivision or land split. If at the time of development the Town wishes to make improvements to its general public infrastructure capacities, the Town may bear the additional cost(s) associated with the upgrading of capacities of those improvements. The limits of the Town's participation shall be determined by the difference in the approved design and actual construction costs with and without mitigated capacity increases of those improvements.

I. Inspection and Acceptance of Public Improvements

1. The Town Engineer shall provide for inspection of required public improvements during construction to ensure their satisfactory completion.
2. If the Town Engineer finds upon inspection that any of the required public improvements have not been constructed in accordance with the Engineering-Tusayan Design Standards and the approved construction plans, the applicant shall be responsible for completing or replacing such improvements as to the specifications of the Town.
3. Final inspection of public improvements will be scheduled with the Town Engineer prior to their acceptance.

4. The Town will not accept the required public improvements nor release any assurance (See 13-2-7 Assurances) until the development is accepted by the Town Engineer. The Town Engineer shall issue a letter of completion upon final acceptance.
5. The Town will not issue any certificates of occupancy until the public improvements are completed to the standards in these Subdivision Standards and in ~~Chapter 14 of the Town Code~~ the Tusayan Design Standards required by the Town and accepted for maintenance and operation by the Town Council.

J. Appeals

Any person, firm or corporation may appeal the dedication or exaction required as a condition of granting approval for the use, improvement or development of real property, in accordance with the appeal provisions established in Article 13-5 Modifications, Appeals and Enforcement.

K. Warranty Period

The subdivider shall warrant and guarantee that required public improvements constructed under the Public Improvement agreement will remain in good condition and meet operating specifications for one (1) year, commencing with probationary acceptance of such public improvements or until such improvements have been granted final acceptance by the City Council. Such warranty includes defects in design, workmanship, materials and any damage to improvements caused by the ~~subdivider~~ Developer, its agents or others engaged in work to be performed under the subdivision agreement.

13-4-2. Development Agreement

A. Purpose: The purpose of ~~this division~~ this section of the Subdivision Standards is to provide procedures for the processing of Development Agreements in compliance with A.R.S. § 9-500.05. An application for a Development Agreement may only be filed by a person owning or having a legal interest in the subject real property, or a person authorized to act on the owner's behalf.

B. Contents of Development Agreements

1. Provisions Allowed: A Development Agreement may include any of the provisions specified in A.R.S. § 9-500.05, as applicable to the development proposal that is the subject of the Development Agreement as determined by the Town.
2. Provisions Required: A Development Agreement must include, but are not limited to, the following provisions:
 - a. The duration of the Development Agreement;
 - b. Provisions for the protection of environmental resources, if applicable;

- c. The public benefit offered by the applicant as consideration for entering into the Development Agreement; and,
 - d. A waiver of claims for diminution in value for any changes in land use law relating to the subject property and the related proposed development.
- 3. Provisions Prohibited: A Development Agreement shall not include requirements for the City to exercise its legislative or quasi-judicial powers in a particular way.

C. Consideration and Decision

- 1. Staff Responsibilities
 - a. The Town Manager in consultation with the Town Attorney and Town Engineer shall direct the negotiations with the applicant regarding terms of the Development Agreement.
 - b. Once negotiations are completed, the Town Manager shall schedule the proposed Development Agreement for approval by the Council in compliance with this division.
- 2. Planning Commission Recommendation: When considering a development proposal at a public hearing for a Zoning Map amendment, Pre-annexations, Preliminary Plat, or other development proposal for which a Development Agreement is proposed, the Planning Commission may, but is not required to, make a recommendation on the contents of a draft Development Agreement for that development.
- 3. Council Determination
 - a. The Council shall consider approval of the Development Agreement at a public meeting. When also considering a development proposal for a Zoning Map amendment, Pre-annexations, subdivision Preliminary Plat, or other development proposal for the subject property, approval of the Development Agreement may be made conditional upon approval of the related application.
 - b. When approving the Development Agreement, the Council shall make the following findings:
 - i. The Development Agreement provides benefit to the Town;
 - ii. The Development Agreement is consistent with the purpose, intent, goals, policies, programs and land use designations of the General Plan, any applicable specific plans, The Town of Tusayan Zoning Code, and these Subdivision Standards; and,
 - iii. The Development Agreement complies with the requirements of A.R.S. § 9-500.05.
 - c. Approval of the Development Agreement shall be by resolution or ordinance and shall not be enacted by emergency clause. The effective date of the agreement may be more but not be less than

30 working days after the Council's approval of the Development Agreement.

4. Execution and Recordation

- a. The persons authorized to sign the Development Agreement on behalf of the applicant(s), owner(s), and all persons having an interest in the subject property shall execute the Development Agreement prior to approval by the Council.
- b. If changes are made at the Council meeting where the Development Agreement is considered, the persons authorized to sign the Development Agreement on behalf of the applicant(s), owner(s), and all persons having an interest in the subject property shall execute the revised Development Agreement prior to the City signing the Development Agreement and an updated Proposition 207 waiver.
- c. Within 10 working days after all parties, including the City, have executed the Development Agreement, the City Clerk shall record a copy, at the applicant's expense, of the Development Agreement with the County Recorder. Recordation of the Development Agreement constitutes notice of the Development Agreement to all persons.

- D. Amendment and Cancellation: A Development Agreement may be amended or cancelled, in whole or in part, by mutual consent of the parties to the Development Agreement or by their successors in interest or assigns using the same procedure for entering into the agreement in compliance with Subsection C, above.

13-4-3. Recapture Agreement

- A. Recapture Agreements are only applicable to Town owned infrastructure. Improvements to Sanitary District or water provider systems must be coordinated with the owner of the infrastructure.

- B. If a ~~property owner or developer~~ Developer extends a roadway, water or sewer main across undeveloped property to reach his development or property, and wishes to be reimbursed for the cost of installing said extension by future customers along the length of the lines, he may request a recapture agreement be drawn up by the Town. Developers may request a recapture agreement when a ~~line~~ line improvement is constructed across the frontage of parcels not currently receiving service from the Town. When the owner of the designated parcel requests service, a pro-rated cost of the line is collected by the Town and returned to the developer. Recapture agreements are set up through the Town Manager. For questions or details on the procedure to initiate an agreement,

contact the Town Manager.

- C. The maximum period of time of the recapture agreement shall be ten (10) years.

CHAPTER 13-5. MODIFICATIONS, APPEALS AND ENFORCEMENT

13-5-1. Modifications

A. Modification of Standards

The Town Engineer may approve a ~~variance waiver to modify~~ the standards required ~~the requirements by in~~ these Subdivision Standards as they apply to a particular property when there exist unusual conditions of topography, land ownership, adjacent development or other circumstances which would not be able to be addressed to best serve the interests of the citizens of the Town if the requirements of ~~this ordinance~~ these Subdivision Standards were strictly applied.

B. Modification of Final Plat

No change, erasure, modification or revision shall be made on or of any Final Plat after approval by the Town Council unless the Town Council first approves any proposed alteration; and any alteration shall be void unless approval thereof is endorsed upon the Final Plat by the Town Council.

13-5-2. Appeals

A. **Appeals:** Any decision, or interpretation, of these Subdivision Standards may be appealed to the Town Manager; decisions of the Town Manager may be appealed to the Town Council. The agency to which a decision has been appealed may either: (a) uphold, (b) reverse, (c) modify, or (d) refer the decision back to its author for reconsideration. Zoning Amendments must follow the procedure in the Town of Tusayan Zoning Code.

B. **Time limits:** Appeals will only be considered if they are filed within ten (10) working days of a decision. Decisions are final after the ten- (10) day appeal period has passed, if no appeal has been filed.

C. **Stays of proceedings:** An appeal suspends the action taken and stays all proceedings in the matter, unless the Town certifies that a stay would cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed except by restraining order as injunctive relief granted by a court of record on application and notice to the Town. Proceedings shall not be stayed if the appeal requests relief which has been previously denied except pursuant to a special action in Superior Court.

13-5-3. Enforcement

- A. **Fines/imprisonment:** Any person, as principal, owner, agent, tenant, employee, or otherwise found violating ~~this ordinance~~these Subdivision Standards, or violating or failing to comply with any order or regulation made hereunder, shall be guilty of a civil violation punishable as provided in the Town Code. Such person shall be deemed guilty of a separate offense for each and every day during which any such violation or failure to comply with these regulations is committed, continued or permitted. All remedies provided for herein shall be cumulative and exclusive. A finding of guilty or responsibility and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions. In addition to the other remedies provided herein, any adjacent or neighboring property owner who is damaged by the violation of any provision of ~~this ordinance~~these Subdivision Standards may institute any action in law or equity to prevent or abate such violation.
- B. **Enforcement action:** Any division of property contrary to ~~these Subdivision Standards~~this ordinance is hereby declared to be a public nuisance and the Town Attorney may, upon order of the Town Council, or on his own initiative, immediately commence all necessary actions or proceedings for the abatement, enjoinder, and removal thereof in the manner provided by law; and may take such other lawful steps as may be necessary, and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin, and restrain any person from violating ~~these Subdivision Standards~~this ordinance.

13-5-4. Severability

It is the intention of the Town that the provisions of ~~these Subdivision Standards~~this ordinance are separable such that if any court of competent jurisdiction shall adjudge invalid: (1) any provision of ~~these Subdivision Standards~~this ordinance, such judgment shall not affect any other provision of ~~these Subdivision Standards~~this ordinance not specifically included in said judgment; or (2) the application of any provision of ~~these Subdivision Standards~~this ordinance to a particular property, or structure, such judgment shall not affect the application of said provision to any other property, or structure, not specifically included in said judgment.

CHAPTER 13-6. TERMINOLOGY

13-6-1. Usage

For purposes of these Subdivision Standards~~this ordinance~~, certain terms, phrases, words, and their derivations shall be construed as specified herein. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The word "shall" is mandatory and the word "may" is permissive, except when used in the negative. When not inconsistent with the context, the present tense includes the future, the singular includes the plural, and the plural includes the singular. Where terms are not defined, they have their ordinarily accepted meanings within the context in which they are used. Webster's Dictionary of American English provides the ordinarily accepted word meanings referred to above.

13-6-2. Definitions

Abutting – The condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only at a corner(s).

Access point – Emergency or permanent all-weather access.

Alley – A public way, other than a street, which affords a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

All-weather road – Shall be designed and constructed to support a loaded scraper during a "proof roll." A scraper may be substituted with other equipment as approved by the Town Engineer.

ARS - The Arizona Revised Statutes as they may be amended from time to time.

Basin, drainage – A geographical area that contributes surface runoff to a particular concentration point.

Block – A piece or parcel of land or group of lots entirely surrounded by public or private streets, streams, washes, parks, or a combination thereof of sufficient magnitude as to interrupt the continuity of development.

Building setback line – The required minimum distance, as prescribed by the Town of Tusayan Zoning ordinances~~Code~~, between the property line and the closest point of any building or structure.

CC&Rs - Covenants, Conditions and Restrictions placed on the ownership of the property.

Commission - The Town's Planning and Zoning Commission.

Concept Master Plan – The planning level master plan submitted for first review of a large-scale development with multiple phases.

Concept Plan – A preliminary presentation of a proposed subdivision or site plan of sufficient accuracy to be used for discussion purposes and identification of any items of controversy or issues of concern.

Council – The Town Council of the Town of Tusayan.

Dedication - The intentional conveyance appropriation having the effect of conveyance of land by its owner for any general or public use, with no special rights reserved to said owner.

Design Standards, Town of Tusayan – The Design Standards are a section of the Town Code, adopted by the Town Council that provides specific design standards for Public Improvements.

Developer –A person, firm, partnership, joint venture, trust, syndicate, association, corporation, limited liability company or other legal entity who desires to improve or otherwise engage in any development of property within the Town, including the owner of the property.

Development – The utilization of land for public or private purposes.

Development Review Committee – An informal review panel as designated by the Town Manger to review submittals consisting primarily of town staff.

Easement – A grant by the owner of the use of land by the public, a corporation or person for the specific uses designated.

Exception – Any parcel of land that is not owned by the Developer or not include in the recorded Plat.

Fill – Soil, rock, or other material deposited at a location by man that raises the grade at that location.

Final Plat – A Final Plat of a subdivision, including supporting data, in substantial conformance to an approved Preliminary Plat and all stipulations or conditions placed upon it by the Commission or Town Council, prepared by an Arizona registered land surveyor, in accordance with these Subdivision Standards ~~this ordinance~~ and the Arizona Revised Statutes.

Finished grade – The final grade and elevation of the ground surface after grading is completed and in conformance with the approved grading plans.

Fire District – The Tusayan Fire District provides fire protection for the Town and will be involved in the review process

Floodplain – Low lands adjoining the channel of a river, stream or watercourse, lake or other body of water, which have been or may be inundated with floodwater, and those other areas subject to flooding. A floodplain may be that area further defined as shown on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Plats (FIRM) or an approved flood control study.

Floodplain Administrator –designated by Town of Tusayan Ordinance for the National Flood Insurance Program and is responsible for coordinating with the Floodplain Management Agency and will serve as the community point of contact on National Flood Insurance program issues for County, State and Federal officials.

Floodplain Management Agency- In accordance with ARS 48-3610, the current agency to whom the Town has delegated by town of Tusayan Ordinance the responsibility of floodplain management.

Flood-prone area – Any area within a floodplain.

Highway – A roadway owned, operated and maintained by the Arizona Department of Transportation.

Improvements – Required installations, pursuant to these Subdivision Standards this ordinance and any zoning stipulations, including, but not limited to, grading, sewer, water, utilities, streets, curbs, gutters, sidewalks, trails, street lights, traffic control devices and landscaping as a condition to the approval of the Final Plat, before recordation.

Improvement Plans – A set of plans setting forth the profiles, cross-sections, details, specifications, instructions and procedures to be followed in the construction of public or private improvements in the Town that are prepared and bear the seal of an Arizona-registered land surveyor, engineer, architect or landscape architect in accordance with the approved Preliminary Plat, and zoning stipulations and in compliance with standards of design and construction that are to be approved by the Town Engineer, other Town departments and all applicable utilities.

Improvement standards – A set of regulations and exhibits setting forth the details, specifications and instructions to be followed in the design and construction of required improvements.

Land division - Any change in an existing property line involving subdivision, a regulated land split or a lot line adjustment.

Land split - A division of a property of 2½ acres or less, which does not involve a subdivision, into two or three separate lots.

Lot - A single piece of property having frontage on a publicly dedicated and accepted street or a private road approved and accepted by the Town and which has been established by a recorded subdivision Plat or otherwise established by some legal instrument of record which is described and noted as such.

Lot corner – The intersection of two (2) or more lot lines, or angle point or change in direction of a lot line.

Lot, corner – A lot located at the intersection of two (2) or more streets (corner lot).

Lot, interior – A lot other than a corner lot.

Lot line – A line dividing one (1) lot from another or from a street or any public place.

Lot, through - A lot that abuts a street along its front and rear property lines.

Lot line adjustment - The relocation of a line dividing two properties.

Notice to Proceed - A notice issued by the Town Manager informing the applicant for approval to proceed with the next stage in the subdivision process.

Open space – Any parcel or area of land or water, natural or improved and set aside, dedicated or reserved for the use and enjoyment of all the residents of the subdivision or the public in general. Open space does not include vacant or undeveloped lots, bike lanes or sidewalks attached to the back of the curb.

Owner – The person or persons holding title by deed to land, or holding title as a vendor under a land contract, or holding any other title of record.

Parcel - A property described by metes and bounds or aliquot description by the government rectangular survey system, and not included in any subdivision.

Plat – A plat meeting the provisions of this chapter that provides for changes in land use or ownership.

Preliminary Plat – A Plat including supporting data, indicating a proposed subdivision design, prepared by a registered civil engineer, or a registered land surveyor, in accordance with these Subdivision Standards ~~this ordinance~~ and the Arizona Revised Statutes.

Preliminary Utility Statement – A letter or report submitted with the Preliminary Plat from a registered engineer that will address the proposed utility connections including sewer, water and dry utilities. It will also specifically list the approvals that will be required to be obtained with the construction documents (ie ADEQ, Sanitary District or other private utility approvals).

Pre-application conference – An initial meeting between Developer and Development Review Committee that affords the Developer the opportunity to present his proposals informally with a Concept Plan and discuss the project and address any items of controversy or requirements before the Preliminary Plat is submitted.

Recorder – The recorder of Coconino County.

Recorded plat – A Final Plat bearing all certificates of approval required by these Subdivision Standards~~this ordinance~~ and the Arizona Revised Statutes and duly recorded in the Coconino County recorder's office.

Replat – Re-subdivision.

Re-subdivision - A change in the boundaries of a lot or tract of land which has previously been described in a recorded subdivision.

Review Agencies – Include but are not limited to the Fire District, Private Water Company~~Provider~~, private Sewer company~~Sanitary District~~, ADOT, franchise utilities, etc.

Right-of-way – Any public or private access way required for ingress or egress, including any area required for public use pursuant to any official plan; rights-of-way may consist of fee title dedications or easements.

Sidewalk – A pedestrian way constructed of Portland cement concrete. Width shall be determined based on the classification of the adjacent roadway in Chapter 14 Engineering~~the Tusayan Design Standards~~.

Street - As defined in ARS §9-463(8), as amended.

Street, arterial - As shown on the Town's General Plan, or a heavily traveled street of considerable continuity and used primarily as a traffic artery for intercommunication between areas.

Street, collector - As shown on the Town's General Plan.

Street, cul-de-sac – A local street having one (1) end permanently terminated in a vehicular turnaround, or an equally convenient form of turning, with backing areas as may be recommended by the Town Engineer.

Street, frontage – A local street parallel to an arterial or collector street or road which intercepts the residential traffic and controls access to the arterial and collector roads.

Street, local – Provides for direct access to residential or other abutting land and serve local traffic movement with connections to roadways of higher classification.

Street, private – Any road or street that is not publicly maintained providing access to lots or units over a common parcel, primarily by the owners or occupants of the common parcel, and necessary service and emergency vehicles, but from which the public may be excluded. Design of which must meet the Town design and construction standards.

Street, public - A street that has been dedicated to the Town for public use and either meets Town design and construction standards, or was dedicated to the Town prior to the adoption of such standards.

Subdivision - Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or manner in which the buildings or airspace above the property shown on the Plat are to be divided. "Subdivision" does not include the following:

1. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
2. The partitioning of land in accordance with other common ownership.
3. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

Technical review – The detailed review of the Development Master Plans, site plans, Preliminary Plats, improvement plans and Final Plats by the Development Review Committee, for compliance with Town codes, ordinances, standards or conditions of approval by the Commission or Town Council. Other utilities and public agencies are invited to review the Plat as it relates to their conditions of service or need.

Town Engineer - The Town's Engineer or a designee.

Tract – A parcel of land in a subdivision which is dedicated for a specific use other than as a lot. Uses may include common areas, private roads, drainage facilities, recreation sites, parks, open space or other uses.

USC&GS – The United States Coastal and Geodetic Survey.

Utility easement – A public easement for the installation of public utilities; also known as a public utility easement, or “PUE.”

Watercourse – Any lake, river, stream, creek, wash, arroyo or other body of water or channel having banks and bed through which waters flow at least periodically.

~~Water supply, adequate – A written statement from the water company, providing water to the subdivision, that states the water supply and flows are adequate and in accordance with Town and fire department requirements.~~

Water supply, adequate - The Water Adequacy Program implements A.R.S. § 45-108, requiring a developer of subdivided land outside an AMA to obtain a determination from the Arizona Department of Water Resources regarding the availability of water supplies before the land may be marketed for sale or lease to the public, unless the land will be served by a water provider designated as having an adequate water supply. Under this regulatory program, developers are required to disclose a determination that the water supply is inadequate to potential buyers. **{Town Input Requested}**.

~~Zone – A District classification established by the Town of Tusayan Zoning Ordinance Code of the Town of Tusayan that limits or permits various or specific uses.~~

Zoning District – A zone area in which the same Zoning Ordinances apply throughout the District.

~~Zoning Ordinance – The most recent version of the Zoning Ordinance for the Town of Tusayan.~~

NO	Stakeholder	Old Section New Section	REVIEW COMMENT	CONSULTANT RESPONSE
1	Carolyn Oberholtzer, Red Feather Properties	13-2-5(c) 13-2-6(d)	Subdivision Technical Review, provides that certain ADEQ approvals are necessary prior to construction- and that is true, but misleading. Ariz. Rev. Stat. § 9-463.01(C)(7) provides that a municipality's subdivision regulations <u>shall</u> "require the preparation and submission of acceptable engineering plans and specifications for the installation of required street, sewer, electric and water utilities, drainage, flood control, adequacy of water and improvements as a condition precedent to recordation of an approved plat." This means that all infrastructure plans have to be approved, prior to the completion of the plat- and well before construction. This should be clarified.	This section has been clarified to include the ARS language as provided in the comments. Also, the phrase "prior to construction" has been replaced with "prior to the approval of the engineering plans"
2	Carolyn Oberholtzer, Red Feather Properties	13-2-6(b) 13-2-7-B	Final Plat Submission, sets out the requirements for the application documents. Ariz. Rev. Stat. § 9-463.01 generally limits a municipality's ability to approve a final plat unless there has been an ADWR determination of "adequate water supply" for the property. The current list of documents required for the final plat submittal does not list this Determination of Adequate Water Supply (or Exemption- if applicable) as necessary to submit. We recommend adding it to this list.	We don't recommend including this requirement without research and review by the P&Z Commission and the Town Council.
3	Carolyn Oberholtzer, Red Feather Properties	13-3	Design Principles, provides for the requirements for streets in and to subdivisions. Typically, subdivision codes will provide for the requirement of all- weather access to new development, with a minimum number of public streets accessible to/from the development. We did not see this in the Code.	These access requirements were located in the Cul-de-sac limitations and the drainage section. To clarify these important design principles, new text was added. The all-weather access is now in 13-3-1(B) and the requirement of a second access is 13-3-1(f).
4	Carolyn Oberholtzer, Red Feather Properties	13-3-2(c)	Streets, refers to the Town Trails Master Plan, but references the General Plan. The Town does not have a Trails Master Plan and until one is developed, this section is recommended for removal.	The section was revised to be named the Town Trails Map per the General Plan. The section was not removed because trails are identified in the General Plan as a goal and the Town wants a developer to consider adding to the trails system. Nothing is required.

NO	Stakeholder	Old Section New Section	REVIEW COMMENT	CONSULTANT RESPONSE
5	Carolyn Oberholtzer, Red Feather Properties	13-3-6	Water Facilities, seems to be written as though the Town operates a water utility. The design requirements set forth in 13-3-6 should require that the design and construction of domestic and fire water must meet the written approval of the water provider and the Tusayan Fire District. The Town Engineer does not govern these utilities. Further, section 13-3-6 goes so far as to say that there will not be certificates of occupancy until the improvements are accepted "by the Town Council". The Town has no legal authority to do this. Instead, "water provider" should be inserted - or something to that effect.	The sections on water sewer and reclaimed water have been revised and clarified. The sections have been reduced to only 13-3-6. Utility facilities that are not owned by the Town are to be approved by the service provider to their standards. The Town will require documentation of the approval prior to approving the engineering plans. The certificates of occupancy are dependent on the service provider accepting the improvements into their system.
6	Carolyn Oberholtzer, Red Feather Properties	13-3-7(b) 13-3-6	Reclaimed Water Facilities, again puts the Town Engineer in the position of approving a system he/she does not control. Instead, we recommend requiring that the language be changed to reference the approval of the applicable sewer provider (ie. the Tusayan Sanitary District). Same comment refers to Subsection D, which again references the acceptance of facilities by the Town Council.	See response to comment 5. Revised section is 13-3-6.
7	Carolyn Oberholtzer, Red Feather Properties	13-3-8(b) 13-3-6	Sewer Facilities, again puts the Town Engineer/Council in a position of approving a system they do not own or control. Suggest revision to reflect the Tusayan Sanitary District requirements for approval in connection with any plats.	See response to comment 5. Revised section is 13-3-6.
8	Carolyn Oberholtzer, Red Feather Properties	13-3-9 13-3-7	Drainage, warrants substantial revision as it is (a) contrary to the Floodplain Overlay requirements in the Town's Zoning Ordinance, (b) contemplates that the Town of Tusayan is the floodplain administrator (which it is not) (See Ariz. Rev. Stat. § 48-3610), (c) is silent as to the authority of the Coconino County Flood Control District.	a)The Drainage section has been revised to include only the aspects that are important to Platting of a subdivision. b) The definitions of the Town administrator and the floodplain management agency are revised to whomever the Town has delegated the authority. This allows the Town flexibility in modifying by ordinance (currently Tusayan ordinance 2013-01) rather than revising the Town Code

NO	Stakeholder	Old Section New Section	REVIEW COMMENT	CONSULTANT RESPONSE
9	Carolyn Oberholtzer, Red Feather Properties	13-4-1(f)	Public Improvement Requirements, provides for certain exemptions from the requirements for standards in certain circumstances that don't seem to account for public health, safety and welfare. We would ask for further clarification as to the intent of what the exemptions apply to.	The language for the exemptions was clarified. This provision limits the requirements for offsite improvements if a property owner is improving a small portion of a property on an existing lot.
10	Carolyn Oberholtzer, Red Feather Properties	13-4-1(g)	Impact Analysis Required, contains confusing references to codes and standards that don't exist- and for utilities that the Town does not operate. Further, the waiver of the impact analysis should be stricken because the law requires that the Town require adequate financial assurances to see that the public infrastructure necessary to serve the development is required. Without the impact analysis, we question the Town's ability to make this finding.	The Tusayan Design Standards are currently under development. When they are developed, that Title of the Town Code will be presented for review and approval of the P&Z Commission and The Town Council. A clarification has been made to separate Towns infrastructure with other service providers. If impacts are found for those service providers, an agreement must be made with the developer and the Sanitary district or water provider. The waiver for impact analysis has been removed.
11	Carolyn Oberholtzer, Red Feather Properties	13-4-1(h)	Minimum Requirements, contains references to the Town's Water and Sewer systems- but it has neither. It also provides in Subsection 7 that the Trails may be required to be constructed "along alignments indicated in the General Plan." Again, the General Plan alignments were not meant to establish the Town's Trails Master Plan and this language should be stricken until that document is created.	These sections only apply for future systems that are owned and operated by the Town. This language has been specifically added to clarify.
12	Carolyn Oberholtzer, Red Feather Properties	13-6	Definitions should be reviewed against the statutes governing subdivision regulations. For example, "water supply, adequate" does not follow the statutory requirements and references a Town fire department that doesn't exist. Recommend revision to either reference the governing statutes or deleting.	A revised definition was provided, however we feel that the issue of Water Adequacy needs to be further discussed by the Town.
13	Steve Wene, Tusayan Sanitary District	13-2-4-B3 13-2-3-b4 13-2-5-b4	At preliminary plat stage, the Code requires the developer to include an engineer's statement addressing utility connections and a list of utility approvals that must be obtained. See Code at §12-2-4(B) (3). The District agrees with this approach.	The approach will be continued throughout the document for utilities owned by service providers. The statement for proposed connections has been relocated in the Concept Plan and the "will serve" approvals are now required at Preliminary plat stage. Design plans will also require an approval.

NO	Stakeholder	Old Section New Section	REVIEW COMMENT	CONSULTANT RESPONSE
14	Steve Wene, Tusayan Sanitary District	13-2-5(b) 3-2-6c	The Town requires that all engineering plans for utility improvements must be approved by the Town engineer and other applicable review agencies before Final Plat is approved. To ensure the developers understand the review process, the Code should specifically identify the District as a reviewing agency.	An additional section was added to the Subdivision Technical Review section to state that the water and sewer must be designed per the standards of the service provider and approved by the service provider.
15	Steve Wene, Tusayan Sanitary District	13-2-5c 13-2-6c	The Town requires the developer to furnish certain ADEQ submittals and approvals of mainline extensions. The Town should also require the mainline extension agreement from the District and any other utility provider.	See response 14.
16	Steve Wene, Tusayan Sanitary District	13-3-5	Requires public utility easements to be at least 16 feet in width. In some cases, this may not be possible, so there should be an exception provision and process.	Additional language added allowing the modification of the easement width. Both the Town Engineer and the owner of the utility line must approved the variance
17	Steve Wene, Tusayan Sanitary District	13-3-8(a)(1) 13-3-6	States that gravity sewer systems are preferred. The District agrees. However, the Code provides that a low pressure system may be considered if a homeowners association is established to oversee operation and maintenance of a grinder pump station. The District believes the provisions should also allow the District to own and operate the grinder pump station if circumstances warrant.	The specific design issues have been removed from the Subdivision Standards. The revised section directs the developer to the standards and requirements of the service provider. If the Town in the future becomes a utility owner, their Standards will be in the Design Standards that are still under development.
18	Steve Wene, Tusayan Sanitary District	13-3-8 13-3-6	State that location, design, and construction of sewer collection and transmission systems must be approved by the Town Engineer. These provisions should also note that the Developer must receive the approval of the District as well.	See response to comment 5. Approvals of the design must be obtained from the service provider.

NO	Stakeholder	Old Section New Section	REVIEW COMMENT	CONSULTANT RESPONSE
19	Steve Wene, Tusayan Sanitary District	13-4-(h)(3)	Sets forth the minimum requirements for sewer systems and states that the location will be determined by the Town Engineer. However, the Northern Arizona Council of Governments ("NACOG"), which is the local Designated Planning Agency concerning water quality issues, has authorized the District to serve as the Designated Management Agency ("DMA") for the Tusayan area. As the DMA, the District is responsible setting the minimum standards for sewer systems based upon ADEQ rules and locating the sewer collection and transmission lines. This Code section should be revised to that the Developer must receive approval from the District regarding the standards and location of sewer lines. The Town Engineer and District should consult on the location of the sewer lines.	The following text was added in section 13-4-1 (H)(3) "Sanitary Sewer Systems that are not owned by the Town of Tusayan shall be located as required by and approved by the Sanitary District."
20	Steve Wene, Tusayan Sanitary District	13-4-3	Addresses the potential reimbursement of development costs for the sewer system construction by a developer. As the wastewater service provider, District is the appropriate entity to address reimbursement with the Developer. As it relates to sewer and reclaimed water service, this provision should be removed from the Code.	Section added 13-4-3 (a) has been added to state that Recapture Agreements are only applicable to Town owned systems.
21	Steve Wene, Tusayan Sanitary District	13-6-2	Finally, the definition of Review Agencies in Code should include the District.	Definition changed to include Sanitary District
22	Manjula Vaz, Stilo Development		A Document with revisions was provided by Ms. Vaz. Many of the comments were incorporated into the document. Comments with Notes are copied from the annotated document and listed below	
23	Manjula Vaz, Stilo Development	13-2-1-A	Remove General Plan reference [Note: land divisions may be inconsistent with the general plan when they are consistent with applicable regulatory ordinances, such as the zoning code]	Revision added to plan.
24	Manjula Vaz, Stilo Development	13-2-1-B	remove last Sentence of first paragraph [note: they should preserve some flexibility. Current language provides absolute authority to a public agency that may not be reasonable]	Revision added to plan.

NO	Stakeholder	Old Section New Section	REVIEW COMMENT	CONSULTANT RESPONSE
25	Manjula Vaz, Stilo Development	13-2-2-C2 13-2-3-C(1)b	[Note: There should be a nexus between the proposed development and any requested public facilities and/or improvements]	The note was revised to specify that the DRC would only determine if an Impact Analysis would be required. The scope of required improvements would be further developed under the Impact Analyses if required with the Preliminary Plat.
26	Manjula Vaz, Stilo Development	13-2-3-C1 13-2-4-B	[NOTE: Specific submittal requirements for DMPs need to be defined within the ordinance. Both Section A above and this section are too vague in regard to submittal requirements]	The submittal requirements have been revised and are listed specifically
27	Manjula Vaz, Stilo Development	13-2-4 13-2-5	NOTE: The Concept Plan is supposed to be presented as part of the pre-application meeting. Plans presented during pre-applications meetings are for discussions purposes only. Again, if they want for a plan to be approved before the processing of a plat, they should specify a process for site plan review and approval].	A Concept plan step has been added to the process. The preapplication meeting is more clearly defined as a non-mandatory informal meeting between the Town Manager and the Developer.
28	Manjula Vaz, Stilo Development	13-2-4-A1	[NOTE: Section 13.6-2 below defines a Concept Plan as “a preliminary presentation of a proposed subdivision or site plan of sufficient accuracy to be used for discussion purposes and identification of any items of controversy or issues of concern.” Why is the Town Mgr. required to approve a preliminary plan being presented during a pre-application meeting for discussion purposes? If they want site plan approval to occur before the processing of a plat, they should specify a site plan review and approval process]	See response to comment 27. The Town Manager will approve the Concept Plan after review by the DRC.
29	Manjula Vaz, Stilo Development	13-2-4-A2 13-2-4-A2	Remove in its entirety [NOTE: Since plats should be prepared in accordance with regulations and ordinances that are already applicable to the property, this does not seem necessary]	Diminution of Fair Market Values Waiver needs to remain in the document. Defer to Town Attorney
30	Manjula Vaz, Stilo Development	13-2-4-B6 13-2-5-B8	Remove CCRS from P-Plat NOTE: CC&Rs are not between private parties, as opposed to the Town and a private party]	Preliminary Plat should have the CC&Rs here to ensure that they are being completed if necessary. Defer to Town Attorney
31	Manjula Vaz, Stilo Development	13-2-4-B7 13-2-5-B9	Remove DA from P-Plat NOTE: DA should already be in place]	Disagree. The DA is required after this point.

NO	Stakeholder	Old Section New Section	REVIEW COMMENT	CONSULTANT RESPONSE
32	Manjula Vaz, Stilo Development	13-2-6-A2 13-2-7-A3	[NOTE: Why not allow zoning to be effective prior to the recordation of the plat? They should specify a reversion process for approved zoning if conditions are not satisfied within a specified timeframe]	The wording has been revised in several places to allow a rezoning to be processed concurrently with the subdivision. The only requirement is that the zoning must be approved by council before the Plat can be approved by Council.
33	Manjula Vaz, Stilo Development	13-2-6-B5 13-2-7-B7	Remove DA from Final plat	Disagree
34	Manjula Vaz, Stilo Development	13-2-6-B6 13-2-7-B8	Remove Section for completion date requirements	Disagree
35	Manjula Vaz, Stilo Development	13-2-6-B8 13-2-7-B10	remove CCR's from final plat	Disagree
36	Manjula Vaz, Stilo Development	13-2-8-F2-b 13-2-9-F(2)b	[NOTE: Is the Planning Commission the final decision authority or can it be furthered appealed to the Town Council?]	Per section 3-5, appeals go from the town manager to the Town Council. The text has been revised to be consistent.
37	Manjula Vaz, Stilo Development	13-3	[GENERAL COMMENT: Do we think we have an issue with any of the listed principles and/or standards? Both Design Workshop and engineer should review the below listed principles and standards and comment]	
38	Manjula Vaz, Stilo Development	13-4-2	[GENERAL NOTE: See above comments. I think the DA process should be an entirely separate process]	Disagree
			END OF COMMENTS	

Town of Tusayan, Arizona

845 Mustang Drive, Tusayan, Arizona 86023
Office: 928-638-9909

Guidelines for Submitting a Subdivision Application

Please complete this application after a review of Title 13 Subdivisions Standards of the Town Code and the Zoning Code. Incomplete applications will not be reviewed and may delay consideration of your project by the Town. If you have questions regarding the process or its requirements please contact the Town of Tusayan at 928-638-9909.

If the Developer is not the current landowner of all the subject property a **signed and notarized statement** shall also be filed attesting that the owner grants the Developer authority to represent the owner in this matter

APPLICATION FEES

See Town of Tusayan Resolution: Fee Schedule for required fees for submittals.

SUBMITTAL STANDARDS

Plans must be drawn to a standard engineering scale (e.g. 1:10, 1:20, but no larger than 1:60) and plotted on a sheet no larger than 24" X 36" in size

Narrative: All Submittals shall include a brief narrative describing the proposed project on an 8.5" x 11" sheet. This information will aid staff if providing comments and answering questions about the project. The narrative should include the following

- Project title and date
- Describe project/development request
- Legal description of the parcel
- Site acreage (gross and net)
- Approximate building square footage, lot coverage, and FAR (non-residential projects)
- Number of dwelling units, types (e.g. single-family, duplex, condo, townhome, apartment, etc.)
- Address the impacts of the development on the following issues:
 - Primary access and interior circulation considerations relevant to the property, including vehicular, bicycle and pedestrian ways
 - Major washes and drainage ways
 - Generalized land uses in the vicinity of the site
 - Pending legal problems which may be associated with the property
 - General location of existing vegetation on the site
 - Known historical or archeological resources
 - Flood hazards
 - Preservation of special scenic locations and view corridors
- Any additional information or details pertinent to the case

Town of Tusayan, Arizona

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Office: 928-638-9909

APPLICATION CHECKLIST

Required For Concept Plan

Application – 1 copy

Fee (See Town of Tusayan Resolution: Fee Schedule)

Concept Plan - 10 copies

Project Narrative – 10 Copies

Preliminary Utility Statement -10 copies

Preliminary Traffic Statement-10 copies

Preliminary Drainage Statement-10 copies

Electronic Submittal (.pdf .jpg or .tif of each document)

Required For Development Master Plan

Application – 1 copy

Fee (See Town of Tusayan Resolution: Fee Schedule)

Development Master Plan - 10 copies

Project Narrative – 10 Copies

Electronic Submittal (.pdf .jpg or .tif of each document)

Required For Preliminary Plat

Application

Fee (See Town of Tusayan Resolution: Fee Schedule)

Preliminary Plat - 10 copies

 Preliminary Plat (parcel boundaries)

 Grading and Drainage

 Utility Plan

 Lighting Plan

 Landscaping Plan

Project Narrative – 10 Copies

Utility Impact Analysis (if required) -10 Copies

Traffic Impact Analysis (if required) -10 Copies

Town of Tusayan, Arizona

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Drainage Impact Analysis (if required) -10 Copies
Utility "Will Serve" Approval Letters-1 copy
Draft Covenants, Conditions and Restrictions (CC&R's) (if applicable) -1 copy
Draft Development Agreement (if applicable) -1 copy
Electronic Submittal (.pdf .jpg or .tif of each document)

Required For Technical Review

Application
Fee (See Town of Tusayan Resolution: Fee Schedule)
Project narrative – 5 Copies
Construction plans - 5 copies
Specifications – 5 copies
Utility Design Approval Letters
Drainage Report-2 copy
ADOT Access Permit (if applicable) -1 copy
Electronic Submittal (.pdf .jpg or .tif of each document)

Required For Final Plat

Application
Fee (See Town of Tusayan Resolution: Fee Schedule)
Final Plat - 10 copies
Utility Approval Letters
Recorded Development Agreement (if applicable) -1 copy
Recorded Covenants, Conditions and Restrictions (CC&R's) (if applicable) -1 copy
Electronic Submittal (.pdf .jpg or .tif of each document)
Assurances for Public Improvements

Town of Tusayan, Arizona

845 Mustang Drive, Tusayan, Arizona 86023
Office: 928-638-9909

COMPLIANCE REVIEW TIMEFRAMES

Minor review (No Impact Analysis Required)

Application Types:

Concept Plan

Preliminary Plat

Development Master Plan

Administrative Completeness Review by Town Manager –Ten (10) working days

Staff Substantive Review – Thirty (30) working days

Overall Time Frame – Forty (40) working days

Major Review (Impact Analysis Required)

Application Types:

Preliminary Plat

Technical Review (Construction Plans)

Final Plat

Administrative Completeness Review by Town Manager –Ten (10) working days

Staff Substantive Review – Forty Five (45) working days

Overall Time Frame – Fifty Five (55) working days

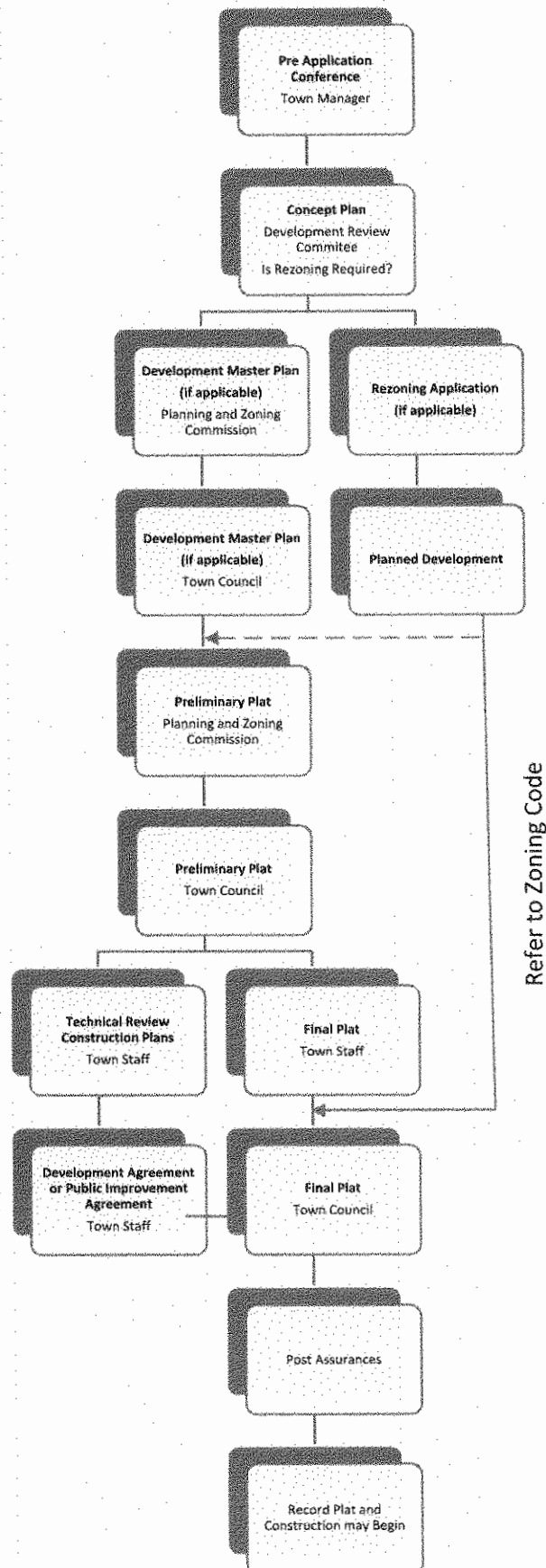
Notes:

1) This time period includes a second review after the return of comments on the first review.

2) Once a complete application has been reviewed by staff within the above timeframes, the document will be submitted to the appropriate Town agency

- The Planning and Zoning Commission shall consider it at its next regularly scheduled meeting (no sooner than 21 days after receipt).
- City Council may consider it at its next regularly scheduled meeting within 60 days after receipt).

Town of Tusayan Subdivision Review Process



Town of Tusayan, Arizona

845 Mustang Drive, Tusayan, Arizona 86023

Office: 928-638-9909

SUBDIVISION APPLICATION

PROPERTY OWNER(S)

Name: _____

Mailing Address: _____

Phone: _____

E-Mail: _____

APPLICANT(S) (if not Property Owner)

Name: _____

Mailing Address: _____

Phone: _____

E-Mail: _____

REQUESTED REVIEW

- ☐ Concept Plan
☐ Preliminary Plat
☐ Development Master Plan
☐ Land Split / Combination
☐ Technical Review
☐ Final Plat

SITE INFORMATION

Project Name: _____

Site Address: _____

Parcel Number: _____

Existing Use: _____

Existing Zoning: _____

Flood Zone: _____

Size of Site: _____

Please provide the required items per the Submission Checklist and information appropriate for the selected Review.

Incomplete Submittals will not be scheduled.

PROPOSED PROJECT

Proposed Use: _____

Number of Lots: _____

Number of Units: _____

Building Square Feet: _____

Property Owner Signature _____ Date _____
(required)

Applicant Signature _____ Date _____

For Town Use		
Date Filed	Fee Amount Received	File Number
P&Z Hearing Date _____		
Commission Action	<input type="checkbox"/> Denied <input type="checkbox"/> Approved with Conditions	
Council Hearing Date _____		
Council Action	<input type="checkbox"/> Denied <input type="checkbox"/> Approved with Conditions	